

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
AUGUST 13, 2009 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;  
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,  
County Administrator; Mr. Kevin J. Burke, County Attorney

**A B S E N T**          None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A PRESENTATION BY THE JOHN MARSHALL SOIL & WATER CONSERVATION  
DISTRICT PROVIDING COST-SHARE AND EDUCATIONAL PROGRAM UPDATES**

Jennifer Hoysa, District Manager of the John Marshall Soil and Water Conservation District (JMSCWD), provided Board members with a progress report about the programs provided and implemented over the past year and current program status. Topics of discussion included the positive benefits of installing conservation practices, improving water quality, resources provided by the JMSWCD, and educational programs which provide meaningful watershed experiences for students about the importance of protecting our natural resources.

**A WORK SESSION TO PROVIDE AN UPDATE ON VINT HILL FINANCING  
OPTIONS**

Anthony I. Hooper, Deputy County Administrator, provided Board members with an update on options to secure permanent financing for the expansion of the Vint Hill Wastewater Treatment Plant. There are two primary options for the permanent financing for water and sewer improvements. One option is to utilize the IDA which is authorized to undertake financing of local governmental facilities. An IDA lease revenue note that is secured by a financing lease agreement that utilizes a County building as collateral provides an option to secure reasonable rates and terms. With the assistance of the financial advisor and bond counsel it is planned to seek bids for this bank qualified debt and to have this information available for the Board's consideration in September. A local bank has expressed interest in bidding on this debt offering. If the County receives favorable bid results, it could proceed to closing in September. If the results of the bid process are not favorable, the County has the option of participating in the VRA loan pool planned for the fall. The Board has previously authorized the application to participate in the fall offering. If this option is selected, it will also be recommended that the previous authorization for short term financing be increased to provide sufficient resources until the permanent financing is in place by the end of the calendar year.

**A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS INVOLVING THE ARRINGTON PURCHASE OF DEVELOPMENT RIGHTS EASEMENT PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7)**

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving the Arrington Purchase of Development Rights Easement. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

Upon reconvening from the closed meeting, Mr. Trumbo moved, without objection, to adopt the following certification:

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13<sup>th</sup> day of August 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

**A WORK SESSION TO DISCUSS AN UPDATE TO CHAPTER 6 OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN - CATLETT, CALVERTON, AND MIDLAND VILLAGE SERVICE DISTRICT PLAN**

Kristen Slawter, Senior Planner for the Department of Community Development, provided Board members with an update on the draft Catlett-Calverton-Midland land use plans. The task of down-planning the three communities plans, due to a lack of public sewer service

now and into the future, was undertaken by staff with respect for the citizens. Many meetings were held to explain the challenges and put forth possible options. The Planning Commission ultimately made several recommendations that align the three community plans better with an achievable amount of public utilities. Staff recommends the proposed Comprehensive Plan Amendment be scheduled for public hearing.

#### **A WORK SESSION TO BRIEF THE BOARD OF SUPERVISORS ON LOUDOUN COUNTY'S PROGRAM FOR REMOVING SIGNS IN THE RIGHT-OF-WAY**

Andrew Hushour, Assistant Zoning Administrator, briefed the Board of Supervisors on Loudoun County's experience with a trial program where they utilized both staff and volunteers from the community to pull illegal signs from the right-of-way. As highlighted in a recent *Washington Post* article, the program provided promising results, and the County may wish to consider utilizing similar methods to help address the problem of illegal signs in the right-of-way.

#### **A JOINT WORK SESSION BETWEEN THE FAUQUIER COUNTY BOARD OF SUPERVISORS AND THE FAUQUIER COUNTY SCHOOL BOARD TO DISCUSS MATTERS OF MUTUAL CONCERN INCLUDING BUDGET, PROFFERS AND SCHOOL SITE ISSUES**

The Board of Supervisors and the School Board held a joint work session to discuss matters of mutual concern including the status of the FY 2010 budget; the upcoming FY 2011 budget outlook and process; proposed and actual proffers related to rezonings in the Bealeton, Opal and Remington service districts; the nature and size of elementary and middle school sites in the Bealeton and other service districts; and Fauquier High School Renovation plans.

The meeting was reconvened in Regular Session at 6:30 P.M.

#### **INVOCATION**

Chaplain Dick Winters of the Warrenton Volunteer Fire Company offered the invocation.

#### **PLEDGE OF ALLEGIANCE**

Mr. Nyhous led the pledge of allegiance.

## **ADOPTION OF THE AGENDA**

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

- Add new Consent agenda item #6(o), a Resolution Authorizing an Application for a Recovery Act Grant for Community Renewable Energy Deployment;
- Add new Consent agenda item #6(p), a Resolution Initiating a Text Amendment to Article 4, Part 3 Section 4-301 of the Fauquier County Zoning Ordinance to Clarify that the Provisions of the Zoning Ordinance's Historic Area District Do Not Apply to Rural Historic Districts Designated on the Historic Registers of the Commonwealth of Virginia or the U.S. Department of the Interior; and
- Add new Consent agenda item #6(q), a Resolution to Authorize the Grant of an Easement Across Property Subject to a Purchase of Development Rights Easement.

## **CITIZENS' TIME**

- Alfred Griffin, Marshall District, stated that the public debate relating to the Springs Valley Historic District designation has cause dissention amongst neighbors and he requested that the Board of Supervisors act quickly to resolve the conflict.
- Jock Queen, Marshall District, asked the Board of Supervisors to table any decision on the Springs Valley Historic District.
- Madge Eicher, Marshall District, spoke in opposition to the Springs Valley Historic District designation.
- Henry Fletcher, Marshall District, spoke in opposition to the Springs Valley Historic District designation.

## **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Nyhous presented Chief Scott Ross and other members of Company 1 with a Proclamation Honoring the Warrenton Volunteer Fire Company on the Occasion of Its 85<sup>th</sup> Year in Service.

## **CONSENT AGENDA**

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

### **Approval of the Minutes of the Fauquier County Board of Supervisors for the July 9, 2009 Regular Meeting**

### **A Resolution to Amend the FY 2009 Adopted Budget by \$526,821 and Amend the FY 2010 Adopted Budget by \$699,780**

#### RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY \$526,821 AND  
AMEND THE FY 2010 ADOPTED BUDGET BY \$699,780

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on April 2, 2008 the Board of Supervisors adopted the Fauquier County FY 2009 Budget; and

WHEREAS, on March 31, 2009 the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its July 2, 2009 meeting, the Finance Committee recommended for FY 2009 and 2010, budget adjustments of \$81,821, and, \$699,780 respectively;

WHEREAS, at its meeting on August 6, 2009, the Finance Committee recommended a FY 2009 appropriation of \$445,000 in the Capital Improvements Fund and a FY 2010 transfer of \$5,889 from the Contingency Reserve for the Boys and Girls Club Real Estate taxes now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of \$526,821 and the FY

2010 Budget be, and is hereby, amended in the amount of \$699,780 as indicated on the attached summary.

### August 13, 2009 Budget Action Summary

Requesting Department	Action	Amount	Category		Explanation
			From	To	
<b>FY 2009</b>					
Commonwealth's Attorney	Forfeiture Funds	\$580	State Revenue	Commonwealth's Attorney	Appropriates forfeiture funds seized in FY 2009.
Fire & Emergency Services	Grant Funding	\$13,000	Federal Revenue	Fire & Emergency Services	Appropriates FY 2009 Local Emergency Management grant award to DFES.
Fire & Emergency Services	De-appropriation Grant Funding	\$1,242	Federal Revenue	Fire & Emergency Services	Partially de-appropriates the Public Safety Interoperable Communications grant funding to reflect the actual FY 2009 award.
Sheriff's Office	Secret Service Task Force Funding	\$11,461	Federal Revenue	Sheriff's Office	Appropriates funding from the Secret Service Task Force to recoup associated equipment expenses.
Sheriff's Office	Insurance Reimbursement	\$20,363	Insurance Recoveries	Sheriff's Office (Capital Fund & General Fund)	Appropriates insurance reimbursement for Sheriff's totaled and wrecked vehicles.
Sheriff's Office	Grant Funding	\$34,981	Federal Revenue	Sheriff's Office	Appropriates revenue from the Virginia Department of Motor Vehicles to recoup expenses associated with special enforcement details.
Sheriff's Office	Donations	\$1,680	Donation Revenue	Sheriff's Office	Appropriates donation revenue accumulated during the fiscal year for equipment purchases.
Sheriff's Office	Grant Funding	\$998	State Revenue	Sheriff's Office	Appropriates funding from the Smart VA Bicycle Helmet grant to recoup associated expenses.
Finance	Grant Funding	\$445,000	State Revenue	Capital Improvements Fund	Reassigns Public Safety Answering Point (PSAP) revenue for the 911 phone system upgrade from the General Fund to the Capital Improvements Fund.
<b>FY 2010</b>					
Conservation Easement Service District	Grant Funding	\$198,400	State Revenue	Conservation Easement Service District	Appropriates Virginia Land Conservation reimbursable matching grant funding for a PDR purchase.
School Division	Grant Funding	\$52,072	Federal Revenue	School Division	Appropriates revenue for a reimbursable grant program to study languages and cultures.
School Division	Typical Peer Program	\$72,000	Local Revenue	School Division	Appropriates revenue for a Special Education Preschool Program.
School Division	Textbook Fund	\$317,308	School Operating Fund	School Textbook Fund	Reconciles the FY 2010 budget for the School Textbook Fund to include budgeted support from the School Operating Fund.

Requesting Department	Action	Amount	Category		Explanation
			From	To	
Office of Adult Court Services	Department of Criminal Justice System (DCJS) Grant Funding	\$60,000	State Revenue	Office of Adult Court Services	Appropriates DCJS funding for a full time permanent position, benefits and operating expenses associated with the position.
Management & Budget	Donation	\$5,889	Contingency Reserve	Boys & Girls Clu	Transfers funding to reimburse the Boys & Girls Club for real estate taxes, FY 2010, per June 11, 2009 direction of the Board of Supervisors.

**A Resolution Authorizing an Application for Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funding from the U.S. Department of Justice**

RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION FOR EDWARD BYRNE  
MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING FROM THE  
U.S. DEPARTMENT OF JUSTICE

WHEREAS, grant funding is available through the Edward Byrne Memorial Justice Assistance Grant Program of the Department of Justice for the purpose of supporting all components of the criminal justice system by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures; and

WHEREAS, the \$13,878 allocated to Fauquier County through this program will be used by the Fauquier County Sheriff's Office to purchase one Mobile Data Terminal (MDT), as well as software for three desktop terminals to facilitate reporting by deputies who do not have access to MDT's; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Board of Supervisors does hereby authorize staff to submit an application to the Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application on behalf of Fauquier County.

**A Resolution Authorizing the County Administrator to Execute on Behalf of Fauquier County a Grant Application to the U.S. Department of Homeland Security for the Purchase of Self-Contained Breathing Apparatus**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF OF FAUQUIER COUNTY A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS

WHEREAS, the Fauquier County Department of Fire/Rescue and Emergency Management seeks to apply for a grant to purchase 158 units of Self-Contained Breathing Apparatus; and

WHEREAS, the purpose of this grant will be to replace aging units that are currently in service within Fauquier County; and

WHEREAS, a requirement for this grant application is a Board of Supervisors resolution in order to obtain grant funds from the U.S. Department of Homeland Security; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, the 2009 Assistance to Firefighters Grant application to the U.S. Department of Homeland Security for the purchase Self-Contained Breathing Apparatus.

**A Resolution Authorizing the County Administrator to Accept on Behalf of Fauquier County a Grant Awarded by the Virginia Office of Emergency Services**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT ON BEHALF OF FAUQUIER COUNTY A GRANT AWARDED BY THE VIRGINIA OFFICE OF EMERGENCY SERVICES

WHEREAS, the Fauquier County Department of Fire/Rescue and Emergency Management was awarded a grant to purchase (21) Panasonic Toughbook Computers in the amount of \$76,650 and does not require any matching funds; and

WHEREAS, the purpose of these computers will be used for pre-hospital patient care reporting while transporting patients in county ambulances; and



WHEREAS, a requirement for this grant is a Governing Body Resolution in order to obtain grant funds from the Virginia Office of Emergency Services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, any actions necessary for the purpose of obtaining Federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the Commonwealth of Virginia.

**A Resolution to Authorize the Revision of the Petty Cash Policy**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF FINANCE DEPARTMENT POLICY  
FD-1 PETTY CASH POLICY

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Financial Policies; and

WHEREAS, the Fauquier County Government Finance Department Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, in order to improve internal controls and enhance operating procedures revisions are recommended to Finance Department Policy FD-1, Petty Cash Policy, dated May 1, 2005; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the revisions made to Finance Department Policy FD-1, Petty Cash Policy, be, and are hereby, approved effective August 13, 2009.

**A Resolution Establishing the Percentage Allocation of the Fixed Amount of State Personal Property Tax Relief for Qualifying Motor Vehicles for Tax Year 2009**

RESOLUTION

A RESOLUTION ESTABLISHING THE PERCENTAGE ALLOCATION OF THE FIXED  
AMOUNT OF STATE PERSONAL PROPERTY TAX RELIEF ON QUALIFYING  
VEHICLES FOR TAX YEAR 2009

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* ("PPTRA"), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments required the County of Fauquier to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of Fauquier of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That qualifying vehicles obtaining situs within the County of Fauquier during tax year 2009, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 62 % tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 62 % tax relief on the first \$20,000 of value;
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; and
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006, unless determined to be of no fault of the taxpayer, shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

**A Resolution to Authorize the Acceptance of a Conservation Easement of the Property of Cintra Cricket Bedford**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION  
EASEMENT OVER THE PROPERTY OF CINTRA CRICKET BEDFORD

WHEREAS, Cintra Cricket Bedford has proposed to donate a conservation easement over her property in the Marshall Magisterial District known as Parcel Identification Numbers 6062-15-7194-000 and 6062-24-8401-000 consisting of approximately 37.6487 acres combined, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the "Open-Space Land Act;" now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the county's Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A Resolution to Initiate a Comprehensive Plan Amendment to the Warrenton Service District Plan (Chapter 6) and the Transportation Plan (Chapter 10) to Adopt the Fauquier-Warrenton Destinations Plan, Bicycle and Pedestrian Plan by Reference**

RESOLUTION

A RESOLUTION INITIATING A COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN (CHAPTER 6) AND TRANSPORTATION PLAN (CHAPTER 10) TO ADOPT THE FAUQUIER-WARRENTON DESTINATIONS PLAN, BICYCLE AND PEDESTRIAN PLAN BY REFERENCE

WHEREAS, developing bike and pedestrian facilities within service districts is a goal in the Comprehensive Plan; and

WHEREAS, on April 12, 2007, the Board of Supervisors passed a resolution of support to work with the Rappahannock-Rapidan Regional Commission (RRRC) and Town of Warrenton to seek grant funding for a bicycle and pedestrian plan for Warrenton; and

WHEREAS, grant funding was awarded, planning and design firm Toole Design Group was contracted and in-kind services met to develop a regional plan; and

WHEREAS, a client team of staff from Fauquier County, Town of Warrenton, RRRC, and Virginia Department of Transportation (VDOT) staff worked together with the contractor to develop facility recommendations that will connect key destinations throughout Warrenton via a bicycle and pedestrian-friendly network; and

WHEREAS, two public meetings were held on June 12, 2008 and June 26, 2008 to seek citizen input; and

WHEREAS, County and Town staff reviewed and made changes to the Draft Fauquier-Warrenton Destinations Plan, Bicycle and Pedestrian Plan, resulting in a Final Plan dated May 29, 2009; and

WHEREAS, there is merit in adopting the Fauquier-Warrenton Destinations Plan in the Fauquier County Comprehensive Plan by reference to realize those recommended facilities that promote active lifestyles and sustainable modes of transportation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Fauquier County Planning Commission review and make a recommendation to the Board of Supervisors regarding this proposed amendment to the Comprehensive Plan.

**A Resolution to the Virginia Department of Transportation (VDOT) Supporting Placement of Historic Sign Markers for John Marshall's Leeds Manor Rural Historic District**

RESOLUTION

A RESOLUTION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)  
SUPPORTING PLACEMENT OF HISTORIC SIGN MARKERS FOR JOHN MARSHALL'S  
LEEDS MANOR RURAL HISTORIC DISTRICT

WHEREAS, Fauquier County was incorporated in 1759 and started to celebrate its 250<sup>th</sup> anniversary on May 1, 2009; and

WHEREAS, the John Marshall's Leeds Manor Rural Historic District was placed on the Virginia Landmarks and National Register of Historic Places on November 1, 2007; and

WHEREAS, this Rural Historic District encompasses approximately 22,184 acres in the northwestern section of Fauquier County, and is centered along the historic Leeds Manor Road (Route 688) and stretches approximately two-and-one-half miles north of the Village of Markham, south to Leeds Episcopal Church, west to Rattlesnake Mountain, and east to the Cobbler Mountains; and

WHEREAS, the Fauquier County Board of Supervisors is partnering with the Citizens for Fauquier County (CFFC) in the placement of historic sign markers in the public right-of-way announcing entry into this historic area; and

WHEREAS, this partnership wants sign placement to be consistent with Virginia Department of Transportation requirements and line of sight safety standards; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Board hereby partners with the CFFC for the placement of the historic markers within the state right-of way; and, be it

RESOLVED FURTHER, That the CFFC is the responsible party for the maintenance and replacement of these signs as required by the Virginia Department of Transportation; and, be it

RESOLVED FINALLY, That the Virginia Department of Transportation authorize and assist the County Administrator's designee and the CFFC in the placement of such historic signs in the public right-of-way and meeting all requisite safety and applicable State requirements.

**A Resolution to Extend the Date for Planning Commission Recommendations Regarding the Zoning Ordinance Text Amendment to Create a Marshall Gateway Special District (MG) as Section 4-1000, the Comprehensive Plan Amendment (CPAM08-MA-006) to Chapter 6 to Designate Approximately 26 Acres to Mixed Use on the Marshall Land Use Plan, and to Rezone (REZN08-MA-006) Approximately 25 Acres from Residential – 4 (R-4) to Marshall Gateway Special District (MG)**

RESOLUTION

A RESOLUTION TO EXTEND THE DATE FOR PLANNING COMMISSION RECOMMENDATIONS REGARDING THE ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MARSHALL GATEWAY SPECIAL DISTRICT (MG) AS SECTION 4-1000, THE COMPREHENSIVE PLAN AMENDMENT (CPAM08-MA-006) TO CHAPTER 6 TO DESIGNATE APPROXIMATELY 26 ACRES TO MIXED USE ON THE MARSHALL LAND USE PLAN, AND TO REZONE (REZN08-MA-006) APPROXIMATELY 25 ACRES FROM RESIDENTIAL – 4 (R-4) TO MARSHALL GATEWAY SPECIAL DISTRICT (MG)

WHEREAS, the Marshall Service District Committee is in the process of preparing recommended refinements to the Marshall Service District Plan; and

WHEREAS, recommendations regarding the entranceways into the unincorporated Town of Marshall are representative of the considered plan changes; and

WHEREAS, the Committee is contemplating that the gateway(s) to Marshall should be planned as a walkable mixed use community with appropriate commercial and residential development including residential units above commercial storefronts; and

WHEREAS, on May 8, 2008, the Board of Supervisors initiated: (1) Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000; (2) Comprehensive Plan Amendment (CPAM08-MA-006) to Chapter 6 – Service Districts in order to designate approximately 26 acres to Mixed Use on the Marshall Service District’s Land Use Plan, and (3) Rezone (REZN08-MA-006) approximately 25 acres from R-4 to Marshall Gateway Special District (MG); and

WHEREAS, the Planning Commission conducted public hearings on May 29, 2008 and June 26, 2008, and needs additional time to allow for public comment and to prepare its recommendations regarding the three proposed amendments; and

WHEREAS, both the Citizen Planning Committee and Planning Commission need additional work time; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the deadline for Planning Commission recommendations, regarding the above-referenced text amendments to the Comprehensive Plan and Zoning Ordinance, as well as the rezoning application (REZN08-MA-006), be, and is hereby, extended to February 25, 2010.

**A Resolution Authorizing the Expeditious Processing of the Southeastern Alternative School Special Exception**

RESOLUTION

A RESOLUTION AUTHORIZING THE EXPEDITIOUS PROCESSING OF THE  
SOUTHEASTERN ALTERNATIVE SCHOOL SPECIAL EXCEPTION

WHEREAS, the Fauquier County School Board has decided to add a small building to its Southeastern Alternative School campus to house 30 additional students; and

WHEREAS, the such a building requires special exception, minor site plan (disturbed area of less than 10,000 square feet), building permit application; and

WHEREAS, the School Board wants to initiate construction no later than in the late October or early November 2009 timeframe and open the building for classroom use beginning in the second semester in January 2010; and

WHEREAS, the special exception approval process typically takes 90-120 days once an application has been filed and accepted; and

WHEREAS, the School Board is requesting expeditious processing for the special exception once filed and to meet its instruction programming needs on a timely basis; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Board of Supervisors hereby requests the School Board meet an August submission deadline for the Southeastern Alternative School special exception application to meet a Planning Commission public hearing date on September 24, 2009; and, be it

RESOLVED FURTHER, That the Board of Supervisors encourages the review agencies of the Virginia Department of Transportation and the Department of Health to work closely with the School Board and the County in identifying and resolving any potential issues within the timeframe outlined herein; and, be it

RESOLVED FURTHER, That the Southeastern Alternative School special exception be scheduled for public hearing and the Planning Commission be requested to provide recommendation regarding the referenced special exception for September 24, 2009; and, be it

RESOLVED FINALLY, That the referenced special exception be scheduled for Board of Supervisors public hearing on October 8, 2009, unless the existing septic/drainfield system identified in the staff report has unanticipated limitations that necessitate the School Board to request postponement.

**A Resolution Authorizing the Proposed Sports Fields Maintenance and Concessions Agreement with the Fauquier County Soccer Club For the Northern Fauquier Community Park**

RESOLUTION

A RESOLUTION AUTHORIZING THE PROPOSED SPORTS FIELDS MAINTENANCE  
AND CONCESSIONS AGREEMENT WITH THE FAUQUIER COUNTY SOCCER CLUB  
FOR THE NORTHERN FAUQUIER COMMUNITY PARK

WHEREAS, Fauquier County is acquiring specific sites in Fauquier County for sports complexes; and

WHEREAS, the original premise for acquiring these sites included a partnership with youth sports organizations in Fauquier County; and

WHEREAS, the Parks and Recreation Board has negotiated an agreement with the Fauquier County Soccer Club for the maintenance, supervision, and operation of specific facilities at the Northern Fauquier Community Park; and

WHEREAS, the Parks and Recreation Board is now recommending that Agreement to the Board of Supervisors for approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the County Administrator be, and is hereby, authorized to execute directed to adopt the agreement with the Fauquier County Soccer Club for the maintenance, supervision, and operation of specific facilities at the Northern Fauquier Community Park.

**A Resolution to Establish the Position of Court Services Officer**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF AN ADDITIONAL COURT SERVICES OFFICER POSITION WITHIN THE OFFICE OF ADULT COURT SERVICES

WHEREAS, the Fauquier County Office of Adult Court Services has been selected to receive supplemental grant funding from the Department of Criminal Justice Services to hire a new local probation officer; and

WHEREAS, the Department of Criminal Justice Services will provide localities with \$60,000.00 for the Fiscal Year 2010 to hire one new full-time local probation officer; and

WHEREAS, the Fauquier County Courts, the Fauquier County Personnel Committee, and the Fauquier County Finance Committee have endorsed the establishment of an additional Court Services Officer position to enhance the quality of probation services in the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That an additional Court Services Officer position be, and is hereby, established and approved for the Office of Adult Court Services, effective August 13, 2009.

**A Resolution Authorizing an Application for a Recovery Act Grant for Community Renewable Energy Deployment**

RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION FOR A RECOVERY ACT GRANT FOR COMMUNITY RENEWABLE ENERGY DEPLOYMENT

WHEREAS, grant funding up to \$21,450,000 is available through the Recovery Act for Community Renewable Energy Deployment; and



WHEREAS, the waste to energy facility proposed for construction at the Fauquier County Sanitary Landfill would be a project eligible for consideration under this grant opportunity; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the Board of Supervisors does hereby authorize staff to submit a grant application to the U.S. Department of Energy; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application on behalf of Fauquier County.

**A Resolution Initiating a Text Amendment to Article 4, Part 3 Section 4-301 of the Fauquier County Zoning Ordinance to Clarify that the Provisions of the Zoning Ordinance's Historic Area District Do Not Apply to Rural Historic Districts Designated on the Historic Registers of the Commonwealth of Virginia or the U.S. Department of the Interior**

RESOLUTION

A RESOLUTION INITIATING A TEXT AMENDMENT TO ARTICLE 4, PART 3 SECTION 4-301 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO CLARIFY THAT THE PROVISIONS OF THE ZONING ORDINANCE'S HISTORIC AREA DISTRICT DO NOT APPLY TO RURAL HISTORIC DISTRICTS DESIGNATED ON THE HISTORIC REGISTERS OF THE COMMONWEALTH OF VIRGINIA OR THE U.S. DEPARTMENT OF THE INTERIOR

WHEREAS, the County of Fauquier has endorsed applications to the Commonwealth of Virginia and the U.S. Department of the Interior for the designation of certain rural areas of the County as "Rural Historic Districts;" and

WHEREAS, concerns have been raised by citizens that such a designation would lead to the adoption under Article 4, Part 3 of the Fauquier County Zoning Ordinance of architectural review requirements within such Rural Historic Districts; and

WHEREAS, the Board of Supervisors wishes to make it expressly clear that the provisions of Article 4, Part, 3 related to Historic Area Districts do not apply to Rural Historic Districts so designated by the Commonwealth of Virginia or the U.S. Department of the Interior; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County, this 13<sup>th</sup> day of August 2009, That a text amendment to Article 4, Part 3, Section 4-301 of the Fauquier County Zoning Ordinance be, and is hereby, initiated and referred to the Fauquier County Planning Commission, said amendment to be added as the last sentence of Section 4-301 of the Fauquier County Zoning Ordinance and to read as follows:

No provision of this Part 3, of Article 4 shall apply to any Rural Historic District as designated by the Commonwealth of Virginia or the U.S Department of Interior.

**A Resolution to Authorize the Grant of an Easement Across Property Subject to a Purchase of Development Rights Easement**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE GRANT OF AN EASEMENT OVER PROPERTY  
SUBJECT TO A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT

WHEREAS, Richard Wayne Arrington and Linda G. Arrington own property described as Parcel Identification Numbers 7829-21-2945 and 7829-32-8352 which is bisected by a 100 foot power line right-of-way easement held by Dominion Virginia; and

WHEREAS, Dominion has requested that the Arringtons grant an additional 50 feet of right-of-way over the property in order to create a “clear zone” which will permit the construction of fewer towers on the subject property; and

WHEREAS, Dominion has also requested that the County agree to a relocation of a portion of the existing 100 foot easement in order to reduce the impact of the power line on residential and agricultural structures located on the property; and

WHEREAS, the property is subject to a County-held Purchase of Development Rights (PDR) easement which prohibits the construction of structures on the property subject to the easement other than certain residential and agricultural structures; and

WHEREAS, the PDR easement does not preclude the cutting of trees or clearing activity within the 50 feet of right-of-way which is proposed for acquisition, and the use of the 50 feet of right-of-way as a “clear zone” or buffer from the power line therefore would not constitute a conversion or diversion of the open space in accordance with the terms of the PDR easement, provided that no towers or other structures are erected within the 50 feet of right-of-way; and

WHEREAS, Dominion has confirmed that no structures would be constructed within the 50 feet of additional right-of-way which it proposes to acquire; and

WHEREAS, Dominion, in exchange for the right to relocate a portion of the existing 100 foot right of way will relinquish or quitclaim its right, title and interest to the right-of-way easement in the area from which it has agreed to remove the power line; and

WHEREAS, Dominion has submitted a preliminary profile showing the extent of the relocation of the 100 feet of right-of-way; and

WHEREAS, the relocation of the power line easement in order to reduce the impact of the easement on the landowner involves a shift in location of the easement on the same parcel

already subject to the PDR easement rather than an acquisition of additional easement property by Dominion; and

WHEREAS, the reduction of the number of towers will lessen the impact of the project on the agricultural use of the property preserved by the PDR easement such that the County's interest therein is not adversely affected by the grant of the easement to a greater extent than it would be by the construction of the project within the existing right-of-way, and the County therefore releases any claim to compensation from the landowner for the diminution in value of its interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That the County hereby authorizes the grant of a 50 foot wide easement by Arrington over the property of Arrington subject to the PDR easement, subject further to the condition that no such easement shall authorize the construction of transmission towers or other structures, but may authorize the clearing, mowing and maintenance of the land to provide for the use of the land as a "clear zone" or buffer from the proposed transmission line; and, be it

RESOLVED FURTHER, That the County consents to the relocation of a portion of the existing easement as shown on the preliminary profile provided by Dominion; and, be it

RESOLVED FURTHER, That the authorization for the additional 50 feet of right-of-way and the relocation of the easement are conditioned upon the requirement that the final relocation and additional right-of way acquired shall be substantially as shown on the preliminary profile, consistent with the negotiations between Dominion and the Arringtons and acceptable to the Director of the Fauquier County Agricultural Development Office and the County Attorney; and, be it

RESOLVED FURTHER, That the County finds that the grant of the proposed right of way easement and relocation of a portion of the existing right-of-way easement under the narrow circumstances presented does not constitute a conversion or diversion of open space in accordance with the provisions of §10.1-1704 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the County releases its right to such compensation as it might otherwise be entitled to provided that all terms and conditions set forth in this resolution are satisfied by the easement granting the additional 50 feet of right of way to Dominion.

**A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-705, 3-300, 5-900, AND 5-1800 TO CLARIFY THAT A RESIDENCE AND ITS ACCESSORY STRUCTURES AND USES ARE ALLOWED WITHIN NON-COMMON OPEN SPACE AND TO SHIFT EQUESTRIAN FACILITIES FROM THE OUTDOOR RECREATION CATEGORY TO THE AGRICULTURE CATEGORY**

Mr. Nyhous moved to adopt the following resolution. Mr. Stribling seconded, and following discussion the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

## RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-705, 3-300, 5-900, AND 5-1800 TO CLARIFY THAT A RESIDENCE AND ITS ACCESSORY STRUCTURES AND USES ARE ALLOWED WITHIN NON-COMMON OPEN SPACE AND TO SHIFT EQUESTRIAN FACILITIES FROM THE OUTDOOR RECREATION CATEGORY TO THE AGRICULTURE CATEGORY

WHEREAS, the Fauquier County Zoning Ordinance establishes requirements and limitations for non-common open space; and

WHEREAS, Fauquier County seeks to clarify that a dwelling unit and its accessory structures and uses are allowed on properties in non-common open space; and

WHEREAS, Fauquier County seeks to expand the uses allowed within non-common open space to include Equestrian Facilities to include boarding, instruction and events; and

WHEREAS, the amendments to Sections 2-705, 3-300, 5-900 and 5-1800 achieve this goal and supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2009, That amendments to Sections 2-705, 3-300, 5-900 and 5-1800 of the Zoning Ordinance related to non-common open space be, and are hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

### **2-705                      General Requirements**

All lands and improvements as set forth in Section 702 above shall be established and maintained in accordance with the following requirements:

1. The lands and improvements shall be described and identified as to location, size, use and control in an open space easement. These restrictive deeds shall be written so as to constitute a deeded open space easement to run with the land and be in full force and effect in perpetuity unless terminated in a manner set forth hereinafter. These restrictions shall include prohibition of commercial and industrial ~~and residential~~ development. Residential development and shall be limited solely ~~appropriately limit the use to a single primary dwelling unit and those accessory structures and uses allowed~~

in Article 6 for such dwelling unit and those permitted agricultural uses as shown in 3-318.

### 3-300

### Uses

	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-309 OUTDOOR RECREATION (CATEGORY 9)																		
1. Country Club/Golf Course, public or private	X	SP	SP	SP		SP												
2. Swimming/Tennis (Racquet) facility, public or private	X		SP	SP	SP	SP	SP	SP	SP				SP	P	P	SP	P	
3. Firing Range, skeet or trapshooting facility (indoor or out)	X	SP	SP											SP			SP	
4. Baseball hitting range and archery range	X	SP	SP											SP				
5. Camps, recreation grounds, lodges and resorts	X	SE	SE															
6. Tent campground	X	SE	SE															
7. Travel trailer park	X													SE				
8.-deleted-Equestrian facilities (boarding and instruction (non-spectator))	-	SP	P	SP	SP	SP	-	-	-	-	-	-	-	-	-	-	-	-
9.-deleted-Equestrian facilities (boarding and instruction (spectator facilities))	-	-	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE
10. Drive-in or other movie theatre	X													SP				

<b>3-318 AGRICULTURE (CATEGORY 18)</b>																		
1. Crop/livestock farm		P	P	P	P	P								P	P		P	P
2. Horse farm		P	P	P	P	P								P	P		P	P
3. Dairy farm		SP	P	SP	SP	SP											SP	SP
4. Cattle feed lot greater than 300 head		SP	P	SP													SP	SP
5. Swine farm greater than 20 sows		SP	P	SP													SP	SP
6. Truck farm		P	P	P	P	P								P	P		P	P
7. Poultry farm (over 1000 birds)		SP	P	SP													SP	SP
8. Orchard/vineyard		P	P	P	SP	SP											SP	SP
9. Plant nursery/greenhouse (less than 10,000 sq. ft) wholesale only		P	P	P	P	P								P			P	P
10. Greenhouse (more than 10,000 sq. ft.) wholesale only	X	SP	P	SP	SP	SP								P			P	P
11. Plant nursery/greenhouse retail sales	X	SP	SP	SP	SP	SP								P			P	P
12. Forestry		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13. Distillation of industrial alcohol (ethanol) in conjunction with a farming operation		SP	SP	SP	SP	SP											SP	SP

14. Land application of Class B Biosolids			A															
15. Class B biosolids storage facility			SE															SE
16. Aquiculture			SE															SE
17. Winery with Special Events, Major	X	SE	SE	SE														
18. Winery with Special Events, Minor	X	SP	SP	SP														
19. Aviary, Commercial		SP	SP	SP														
20. Lumber Yard with incidental retail sales less than 5,000 square feet in size	X													P			P	
21. Farmer's Market	X		SP SE															
22. Community Farmer's Market	X		SP															
23. Petting Zoo	X		SP															
<u>24. Equestrian facilities (boarding and instruction (non-spectator))</u>		<u>SP</u>	<u>P</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>												
<u>25. Equestrian facilities (boarding and instruction (spectator facilities))</u>	<u>X</u>		<u>SE</u>															<u>SE</u>

**5-909 Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Non-Spectator)**

1. ~~No facilities or activities intended for spectators are allowed.~~
2. ~~The minimum lot size requirement shall be five (5) acres.~~
1. ~~No structure associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.~~

**5-910 Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)**

1. ~~The minimum lot size requirement shall be ten (10) acres.~~
2. ~~The road frontage requirement shall be 300 feet on a State maintained road with a minimum designation of major collector in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.~~
3. ~~No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.~~

**5-1815 Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Non-Spectator)**

1. No facilities or activities intended for spectators are allowed.
2. The minimum lot size requirement shall be five (5) acres.
3. No structure associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.
4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

**5-1816 Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)**

1. The minimum lot size requirement shall be ten (10) acres.
2. The road frontage requirement shall be 300 feet on a State maintained road with a minimum designation of major collector in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
3. No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.
4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

**APPOINTMENTS**

By unanimous consent, the following appointment was approved:

- Architectural Review Board – Scott District: Julie Broaddus was reappointed for a four-year term that expires August 20, 2013.
- Library Board – Scott District: Barbara Severin was reappointed for a four-year term that expires August 13, 2013.

## **SUPERVISORS' TIME**

- Mr. Graham announced that a community historic function called “The American Heritage” will take place at Ingleside Farm on September 26, 2009, at 1:00 P.M. and the public is invited to attend free of charge.
- Mr. Stribling announced that a free community historic event called “A Tour in Time” will be held on September 12, 2009, at 9:00 AM three locations including the Old Elk Run Historical Church Park Museum site, Mary Walter Elementary School, and Monroe Gold Mining Museum. Shuttle buses will be available to tour all three facilities.
- Mr. Schwartz announced that the Town of Marshall will celebrate its 250<sup>th</sup> anniversary beginning with a parade on September 19, 2009, at 10:00 A.M., and all are welcome to attend the festivities.
- Mr. Nyhous announced that on September 26, 2009, at 10:00 A.M. Warrenton Fauquier Heritage Day will be conducted in Old Town Warrenton and he encouraged public attendance.
- Mr. Trumbo announced that on August 1, 2009, he attended the grand re-opening of the Afro American Heritage Association Museum in The Plains, and he encouraged everyone to visit the “Footprints of Change” exhibits. Mr. Trumbo announced that on August 5, 2009, he Mr. Nyhous, and representatives of the tourism community a tourism social at the Visitors Center, which was sponsored by the Department of Economic Development. Mr. Trumbo announced that a new craft winery has opened in the Barns at Vint Hill, which provides a positive addition to the community.

## **ANNOUNCEMENTS**

- Mr. McCulla announced the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on September 10, 2009 in the Warren Green 1<sup>st</sup> Floor Meeting Room located at 10 Hotel Street in Warrenton, VA.
- Mr. McCulla announced that the Fauquier County Working Together Committee will hold its annual charity golf tournament at Kastle Green Golf Club on September 19, 2009, and anyone interested in participating may contact the County Administrator’s office for details.

## **PROPOSED AMENDMENTS TO CHAPTER 17 OF THE COUNTY CODE**

A public hearing was held to consider amendments related to Septic Systems, Chapter 17 Article I, and to require bonding for alternative systems in Article II. Adoption of the State's



Sewage Disposal and Handling Regulations. James Sawyer, County Soil Scientist, summarized the proposed amendments. Merle Fallon, Esquire, Cedar Run District, suggested the matter be tabled and referred back to committee for further refinements, and added it would be beneficial to include a developer and an engineer in the committee. Todd Benson, Piedmont Environmental Council, urged the Board to include language that states the use of alternative septic systems must be consistent with permit requirements and system design specifications. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone further action on this matter for up to ninety (90) days. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PROPOSED UNDERGROUND FIBER OPTIC CABLE DEED OF EASEMENT TO FIBERLIGHT OF VIRGINIA, LLC**

A public hearing was held to consider a proposed underground fiber optic cable easement to Fiberlight of Virginia, along the road frontage of property owned by the Board of Supervisors on Rogues Road in Cedar Run Magisterial District, said property being designated as PIN 7900-40-8840. Paul S. McCulla, County Administrator, summarized the proposed deed of easement. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Nyhous seconded, and following discussion the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PROPOSED UNDERGROUND FIBER OPTIC CABLE DEED OF EASEMENT TO FIBERLIGHT OF VIRGINIA, LLC**

WHEREAS, Fiberlight of Virginia, LLC, has requested that the Board of Supervisors grant it an easement along the front of the aforesaid property for the purpose of installing and maintaining a fiber optic cable for use by the Federal government; and

WHEREAS, the Board of Supervisors has held a public hearing to receive citizen comment on the request; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 13<sup>th</sup> day of August 2009, That County Administrator be, and is hereby, authorized to execute the proposed underground fiber optic cable deed of easement to Fiberlight of Virginia, LLC.

**PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE – ARTICLE 2**

Postponed

**PROPOSED TETXT AMENDMENT TO ZONING ORDINANCE – ARTICLES 3 AND 5**

Postponed

**SPECIAL EXCEPTION SPEX09-MA-020 – SULPHUR SPRINGS INVESTMENT CORPORATION (OWNER)/ROBERT E. FOLEY (APPLICANT) – FAUQUIER SPRINGS COUNTRY CLUB WASTEWATER TREATMENT PLANT IMPROVEMENTS**

A public hearing was held to consider an application to obtain a Category 20 Special Exception to upgrade and replace an existing wastewater treatment plant. The property is located at 9236 Tournament Drive, Marshall District, further described as PIN #6962-22-1908-000. Melissa Dargis, Assistant Chief of Planning, summarized the proposed amendment. Patrick Sowers, of Patton, Harris, Rust, & Associates, requested the applicant receive favorable consideration. Henry Fletcher, Marshall District, spoke in support of the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following resolution. Mr. Stribling seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX09-MA-020: APPLICANT WISHES TO OBTAIN A CATEGORY 20 SPECIAL EXCEPTION TO UPGRADE AND REPLACE AN EXISTING WASTEWATER TREATMENT PLANT**

WHEREAS, the Sulphur Springs Investment Corporation, property owner and applicant, is seeking Special Exception approval to replace an existing wastewater treatment plant on PIN 6962-22-1908-000; and

WHEREAS, the wastewater treatment plant shall accommodate Fauquier Springs Country Club and four (4) existing residential units (PINs 6962-12-9262, 6962-22-0749, 6962-22-0674 and 6962-22-1457); and

WHEREAS, on June 25, 2009, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on August 13, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006, and 5-2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That SPEX09-MA-020 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception (SPEX09-MA-020) is granted for and runs with the land indicated in this application, known as PIN 6962-22-1908-000, and is not transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat titled "Fauquier Springs Country Club Special Exception Plat" dated May 15, 2009 and revised on May 26, 2009, approved with the applications, as qualified by these development conditions.
3. Prior to land disturbance for any new construction or alterations of any type, a Site Plan consistent with the approved Special Exception, provisions of Article 12 of the Fauquier County Zoning Ordinance and the bulk regulations for the underlying RA zoning district must be approved prior to obtaining building and zoning permits.
4. The applicant shall furnish evidence of a permanent maintenance and monitoring agreement from a state licensed laboratory, company or business; and a report on the status of the permitted system shall be submitted annually to the Health Department and to the Zoning Department to ensure compliance with this Special Exception.
5. The applicant shall provide the County with the following documentation during the Site Plan submittal:
  - a. Department of Environmental Quality (DEQ) permit approval for a General Discharge Permit for the proposed discharge;

- b. Required Health Department approvals for an engineered design of a wastewater treatment facility not exceeding a discharge capacity of 10,000 gallons per day (gpd).
6. This system shall be designed and built to treat no more than 10,000 gpd of wastewater.
7. The applicant shall contract with a licensed wastewater treatment plant operator (Class III or higher) to operate and maintain the approved facility.
8. This Special Exception shall approve the construction of one 10,000 gpd extended aeration treatment facility to serve the following uses: Fauquier Springs Country Club and four (4) existing residential units (PINs 6962-12-9262, 6962-22-0749, 6962-22-0674 and 6962-22-1457).
9. No grading or fill in the FEMA 100-year floodplain is authorized. A Category 23 Special Exception is required for those activities within the FEMA 100-year floodplain.

**SPECIAL EXCEPTIONS SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, / SPECIAL PERMIT SPPT09-CR-030, & CCRV09-CR-003 – ELK MOUNT FARM, LLC & WILLIAM C. PATTON (OWNERS)/LEE HOLLANDER (APPLICANT) – RANGE 82 - PUBLIC SAFETY TRAINING FACILITY**

A public hearing was continued from July 9, 2009, to consider an application to obtain a Category 5 Special Exception to allow for an outdoor technical training facility, a Category 11 Special Exception to allow for a public safety facility (both Emergency Services and Sheriff's Office facilities), and a Category 20 Special Exception to allow for an aboveground water storage facility. Applicant is also requesting an amendment to an approved Special Permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with *Code of Virginia*, Section 15.2-2232 as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The property is located at 4818 Midland Road, Cedar Run District, further identified as PIN #7819-66-3353-000. Holly Meade, Senior Planner for the Department of Community Development, summarized the application. Charles Floyd, of Carson Ashley & Associates, discussed revised conditions offered by the applicant and requested favorable consideration of the application. Karen Kettell, Cedar Run District, spoke in opposition to the application. Joanne Duncan, Cedar Run District, opposed using the Green Road site and suggested that the County consider using a regional approach in locating a public safety training facility. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

A RESOLUTION TO DENY SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, SPPT09-CR-030 & CCRV09-CR-003 – A CATEGORY 5 SPECIAL EXCEPTION TO ALLOW FOR AN OUTDOOR TECHNICAL TRAINING FACILITY, A CATEGORY 11 SPECIAL EXCEPTION TO ALLOW FOR A PUBLIC SAFETY FACILITY (BOTH EMERGENCY SERVICES AND SHERIFF’S OFFICE FACILITIES), AND A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR AN ABOVEGROUND WATER STORAGE FACILITY; AN AMENDMENT TO AN APPROVED SPECIAL PERMIT TO RECONFIGURE AN EXISTING RANGE AREA, ADD A RANGE AREA, AND ADD LIMITED STORAGE OF FIREARMS AND AMMUNITION; AND A COMPREHENSIVE PLAN CONFORMANCE DETERMINATION IN ACCORD WITH CODE OF VIRGINIA, SECTION 15.2-2232 AS TO WHETHER THE LOCATION OF THESE FACILITIES ON THIS PROPERTY IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN

WHEREAS, Range 82, LLC (Applicant) is seeking Special Exception approvals for an outdoor technical training facility, a public safety facility, and an aboveground water storage facility; and a Special Permit amendment to reconfigure and add ranges, storage of firearms and ammunition and a Comprehensive Plan Conformance Determination; and

WHEREAS, five discrete applications are proposed:

1. SPEX09-CR-013 – Category 5 Special Exception to allow for an outdoor technical training facility.
2. SPEX09-CR-014 – Category 11 Special Exception to allow for a public safety facility.
3. SPEX09-CR-015 – Category 20 Special Exception to allow for an aboveground water storage facility.
4. SPPT09-CR-030 – An amendment to an approved special permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition.
5. CCRV09-CR-003 – A Comprehensive Plan Compliance Determination in accord with the Code of Virginia, Section 15.2-2232 as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan; and

WHEREAS, on March 26, 2009, the Fauquier County Planning Commission held a public hearing on the proposed applications; and

WHEREAS, on April 30, 2009, the Fauquier County Planning Commission voted unanimously to recommend denial of the applications; and

WHEREAS, on June 11, 2009, July 9, 2009, and August 13, 2009, the Board of Supervisors conducted public hearings and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application is not substantially in compliance with the County's Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232; and

WHEREAS, the Board of Supervisors has determined that the applications do not satisfy the standards of Zoning Ordinance Articles 5-006, 5-501, 5-502, 5-505, 5-1101, 5-1102, 5-1105, 5-2001; and

WHEREAS, the Fauquier County Board of Supervisors finds in the matter of the Special Exception applications SPEX090-CR-013, SPEX09-CR-014, SPEX09-CR-015, and Amendment to an Approved Special Permit application SPPT09-CR-030, and Comprehensive Plan Conformance Determination application CCRV09-CR-003:

1. That the provisions of the Zoning Ordinance for a Special Exception are not met in these applications, the Board of Supervisors finding that said applications will negatively impact the public health, safety, and welfare of residents of Fauquier County.
2. The proposed use will hinder and discourage the appropriate development and use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Section 5-006 of the Zoning Ordinance.
3. That the proposed use will be incompatible with existing or planned development in the general area, as set forth in Section 5-006 of said Zoning Ordinance, and will be incompatible with the Comprehensive Plan.
4. That the proposed use fails to comply with and is not in conformity with all the applicable standards of Article 5 of said Zoning Ordinance and all other applicable requirements of said Zoning Ordinance.
5. That the proposal does not conform to Chapter 9 of the Comprehensive Plan as it relates to location of the public facility; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County, Virginia this 13<sup>th</sup> day of August 2009, That SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, SPPT09-CR-030, and CCRV09-CR-003 be, and are hereby, denied.

**COMPREHENSIVE PLAN AMENDMENT CPAM09-LE-001 – DAVID LEROY HODGSON, TERRY LYNN HODGSON, JEAN ELIZABETH CHEATHAM & WILLIAM WIRT GOULDING (OWNERS) / DOUGLAS E. DARLING / BEALETON GATEWAY, LLC (APPLICANT) – MINTBROOK / CHEATHAM FARM**

A public hearing was continued from July 9, 2009, to consider an application to obtain a Comprehensive Plan Amendment to expand the Bealeton Service District by approximately 125 acres to the north and to allow for a change in land use designation from Medium Density Residential, Residential / No Sewer or Water, Rural (outside of service district), Park / Open Space and SCFRR (School / Church / Fire / Rescue / Recreation) to Institutional / Office / Mixed Use, Medium Density Residential, Park / Open Space and SCFRR (School / Church / Fire / Rescue / Recreation). The applicant is also proposing text changes to the Bealeton Service District Plan and inclusion in the Bealeton Service District Plan of an Illustrative Development Plan. The properties are located at 6331 Mintbrook Lane and 10633 Bowers Run Drive, Lee District, further described as PIN #6899-18-3742-000 and PIN #6889-89-6214-000. Melissa Dargis, Assistant Chief of Planning, summarized the proposed amendment. Charles Ebbetts, Center District; Sue Williams, Bealeton; Chris Pearmund; William Goulding, property owner; Dawn Scully, Lee District; and Joel Barkman, Cedar Run District, spoke in favor of the amendment. Bobby McManus, Center District; James Thompson, Lee District; Todd Benson, of the Piedmont Environmental Council; Chuck Medvitz, Scott District; and Hope Porter, Marshall District, spoke in opposition to the amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Graham seconded, and following discussion the vote for the motion was 3 to 2 as follows:

<b>Ayes:</b>	<b><i>Mr. Raymond E. Graham; Mr. Peter B. Schwartz; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>Mr. Terrence L. Nyhous; Mr. R. Holder Trumbo</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

## ORDINANCE

### AN ORDINANCE TO AMEND COMPREHENSIVE PLAN CHAPTER 6 – SERVICE DISTRICTS – BEALETON PORTION OF THE BEALETON, OPAL AND REMINGTON SERVICE DISTRICT PLAN: COMPREHENSIVE PLAN AMENDMENT CPAM09-LE-001 – MINTBROOK/CHEATHAM FARM (BEALETON GATEWAY, LLC)

WHEREAS, David L. Hodgson; Terry L. Hodgson; Jean Elizabeth Cheatham; William Wirt Goulding, owners and Douglas E. Darling/Bealeton Gateway, LLC, applicant, has requested a Comprehensive Plan Amendment (CPAM09-LE-001) for land identified as PIN #6899-18-3742-000 and 6889-89-6214-000 to include adding approximately 125 acres of land to the Bealeton Service District; and

WHEREAS, the requested application for the Comprehensive Plan Amendment also seeks to change the land use designation from Medium Density Residential, Residential/No Sewer or Water, Rural (Outside of Service District), Park/Open Space and SCFRR (School/Church/Fire/Rescue/ Recreation) to Institutional/Office/Mixed Use, Medium Density Residential, Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation); and

WHEREAS, on December 10, 2008, January 29, 2009, February 26, 2009 and March 26, 2009, the Planning Commission held public hearings on the application and considered written and oral testimony; and

WHEREAS, on May 14, 2009, July 9, 2009, and August 13, 2009, the Board of Supervisors held public hearings on the application and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that a Comprehensive Plan Amendment is warranted for this request; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of August 2009, That Comprehensive Plan Chapter 6 – Service Districts – Bealeton Portion of the Bealeton, Opal and Remington Service District Plan be, and is hereby, amended, subject to the “effective date” language contained in paragraph 2 of the Introduction set forth below, as follows:

*(Text, Figure BE-1/Cheatham Farm, Figure BE-4/Cheatham Farm Illustrative Plan, and Appendix 1 to be added to the end of Section 2-Bealeton, of the Bealeton, Opal and Remington Service District Plan)*

## **Cheatham Farm**

### **Introduction**

The Cheatham Farm is the largest undeveloped property in the Bealeton Service District. It has prominent frontage along Route 17 and extends towards the pivotal intersection of Route 28 and Route 17. It has the potential to be the chief building block for a mixed-use traditional Bealeton town center. It has the potential to utilize a highly visible stormwater management system that is aesthetically pleasing as well as functional. In recognition of the importance of this site, the County is prepared to extend the service district boundary by 125 acres to include the entire Cheatham Farm and to revise the land use designations in the Bealeton Plan (Figure BE-1/Cheatham Farm) provided that the County’s vision for a mixed-use traditional Bealeton town center is achieved in conjunction with development of the property (see vision statement below).

In order to properly integrate the expanded service district with other planned developments within the service district and the wider County, the County has determined that it is critical that any development taking advantage of this expanded service district opportunity occur quickly; therefore, a complete rezoning application for Cheatham Farm must be submitted under the County’s MU-Bealeton District within nine (9) months of approval of the Comprehensive Plan Amendment (CPAM09-LE-001) by the Board of Supervisors. This Comprehensive Plan Amendment shall not be deemed to be effective, and the service district boundary and plan for the Bealeton Service District in effect immediately prior to approval of this amendment shall remain in effect, unless and until the Board approves a rezoning to the “MU-Bealeton” zoning category consistent with the terms of this amendment within two years of the date of this amendment.



An Illustrative Plan (Figure BE-4/Cheatham Farm Illustrative Plan) for the Cheatham Farm is included with this amendment. The Illustrative Plan conveys the general road network and the general location of commercial, institutional, and residential areas and open space.

### Vision

The County's vision for the development of the Cheatham Farm includes a number of essential ingredients to create a town center with a "sense of place." It is essential that the Cheatham Farm be developed with a mix of uses including commercial, office, institutional, civic, residential and recreational uses. It is crucial that the housing include a mix of housing types, sizes and prices. It is essential that the streets function as a network based on a traditional grid and that the development contains a range of transportation options, giving priority to pedestrians. It is critical that human scale sets the standard for proportion, massing and siting in all buildings. It is essential that the plan provide opportunities for civic buildings to be included and to occupy prominent sites, so as to turn the civic buildings into landmarks and focal points for the entire Bealeton Service District. The expansion of the service district significantly increases the number of dwelling units and has an acute impact on schools and emergency services; therefore, it is necessary that development of the Cheatham Farm include sites for a fire station/emergency services facility and an elementary school to address these needs.

### Land Area

The Cheatham Farm is comprised of approximately 325 acres that includes an addition to the Bealeton Service District of approximately 125 acres of Rural Agricultural (RA) zoned land along its northern boundary. The property is generally bounded by rural land to the north; Route 17 on the east; Route 28 on the south side; and floodplain to the west that transitions to residential development.

### **General Principles**

#### Land Use

Land use on the Cheatham Farm will be based on neo-traditional principles. The development will have a dense core with a mix of uses based heavily on retail and offices, but also including residential, institutional and key civic uses to encourage people to gather. The core area will be concentrated along Route 17, Bealeton's desired "Main Street Boulevard," and attendant perpendicular streets. A less concentrated mixed-use area, akin to the mixed-use general district of the Bealeton MU district, will surround the core area. The far western and northern portions of the site will be primarily residential.

Pedestrian access and interconnectivity throughout the entire site is essential. In addition, the internal sidewalks and trails shall be linked to external ones to ensure full connectivity for the benefit of all in Bealeton. These include pedestrian connections across Route 17 to the school sites and emerging mixed-use areas.

A master plan to guide future development of the property shall designate civic areas and community spaces as well as potential sites for other community uses. The community facility needs generated by the proposed development and the community facility needs of the service district must both be considered. Public, civic and institutional facilities shall include:

- a) fire station/emergency services site acceptable to the County. The site must have “pad ready” grading preparation, including utility stub-outs to the site. A deed by gift and subdivision plat of the pad-ready site shall be delivered to the County with the first phase of development of the project; and
- b) elementary school site acceptable to the County. The school should be in a location convenient not only to future residents of Cheatham Farm, but also to existing residents of Bealeton, so that the school can serve as a community building foundation for a wider area of Bealeton. A deed by gift and subdivision plat of the site shall be delivered to the County with the first road infrastructure plan.

In addition, sites for civic and community spaces sufficient to meet the requirements of the MU District, shall include at least three of the following:

- a) community center and public indoor/outdoor recreation facility that include a swimming pool and athletic fields; these facilities would be linked with neighborhoods by bicycle trails throughout the town center and link up with the existing County trail network;
- b) place of worship;
- c) bowling alley, skating facility or other private recreation use;
- d) YMCA or health/athletic club; and
- e) medical facility or continuing care facility.

### Residential

Development of the residences on the Cheatham Farm will greatly enhance the housing options in Bealeton. Housing must range in size, type and price - from apartments over shops, to townhouses and apartments nearby, to attached and detached single family housing in neighborhoods further away. There shall be adequate housing opportunities for individuals and families created by a balanced distribution of housing types. The County is particularly seeking a continuing care facility to be located within easy walking distance of the town center.

In order to stay within the parameters of the planned residential build-out of the Bealeton Service District, the total number of all residential units on the Cheatham Farm shall be limited to a maximum of 675. This number shall include any freestanding independent living units in any continuing care facility as well as multi-family residential units. The future zoning Code of Development shall establish the final mix of residential building types, with the additional requirement that a minimum of thirty-five percent (35%) of all residences shall be developed in a

mix of residential townhouses, multi-family units, any independent retirement units and/or live-work units. To pace the need for new public facilities in this area, residential development of this property will be contingent on a phasing plan for a period of not less than ten (10) years from the issuance of the first building permit, with the phasing linked to the provisions of infrastructure and facilities as well as the development of commercial uses.

In keeping with neo-traditional development patterns, the development shall be organized into a series of neighborhoods, and each neighborhood will have a discernable center, such as a square or a green. There will be variety in the housing throughout each neighborhood. Buildings will be placed close to the streets, and parking will be relegated to the rear of buildings, usually reached by alleys.

County policies call for a hard edge to all of the service districts to clearly delineate the rural areas and prevent the spread of development. In order to maintain a hard edge to the northern boundary of the Bealeton Service District, all residential lots in the 125 acres added to the Service District must be fully screened from view from any point along Route 17. The screening shall block the view of the residences year round.

### Transportation

As the largest undeveloped parcel in the Bealeton Service District, the Cheatham Farm development presents the opportunity to secure significant road improvements for the benefit of all in Bealeton. First is the ability to plan, engineer and construct the Route 17 frontage improvements on the Cheatham Farm property consistent with the Comprehensive Plan's vision for the Bealeton Boulevard (Figure BE-3).

Of similar importance is the planning, engineering and construction on the Cheatham Farm of a new collector road network. This road is included in the Service District Plan (Figure 10-BE-1) and will eventually connect Route 28, east of Bealeton, with Weaversville Road (Route 662). The consideration of any future rezoning application for the Cheatham Farm property shall include the design of this collector road network, the reservation of right-of-way and the phased construction of the facility, with the collector construction fully completed prior to the issuance of thirty-five percent (35%) of the building permits for the planned residential units. The collector road network shall be designed as a two-lane road with on-street parking on both sides of the street and also designed so that the parking lanes could become travel lanes in the future if warranted. The portion of the collector road network through open space could be designed as a two-lane road provided that adequate right-of-way is reserved for an additional two lanes. No "front loaded" private driveway access shall be allowed to serve individual lots along the collector road network.

Other road links are necessary for the service district. Consistent with the Bealeton Plan (Figure 10-BE-1), these improvements shall include intersections on Route 17. Another critical road is the future Church Road which connects the Cheatham Farm to retail, employment and industrial areas to the south.

The Illustrative Plan (Figure BE-4/Cheatham Farm Illustrative Plan) shows a generally rectilinear grid of streets and alleys. While the precise location and alignments of the streets to be provided are yet to be determined in conjunction with more detailed analysis that would occur at the rezoning stage, the plan illustrates the general nature of the required connected grid system. This is a key component of traditional neighborhood design as called for in the Bealeton Plan. The alignment of these interconnected streets is critical to cohesive development of the town center. The road network on the Cheatham Farm must be planned so that the grid system can be extended into adjacent properties including the Mawyer property, the Lim Property and the Steffey Property as well as the Tharpe Property and the school sites across Route 17. With such a road plan, all of these properties can be seamlessly knit into a unified Bealeton town center.

### Environmental

From an environmental perspective, the Bealeton Service District has many challenges including problems with flooding and stormwater management. The location and environmental features on the Cheatham Farm allow it to play a role in correcting some of the environmental problems that exist in Bealeton today.

The Illustrative Plan (Figure BE-4/Cheatham Farm Illustrative Plan) is based upon stormwater management facilities that are located in the floodplain. This is a critical component of the entire application. The plan presumes changes to the floodplain that are not currently allowed by the County's Zoning Ordinance, but the Board may wish to consider changes to the floodplain regulations to allow such an approach, upon a demonstration by an applicant that the broader benefits to the community outweigh any potential impacts to the floodplain. Should provision of stormwater facilities within the floodplain prove to be impossible, the Illustrative Plan will need to be reconsidered by the Board of Supervisors.

A rezoning application must be accompanied by engineering documentation satisfactory to the County that a stormwater management system can be implemented on the Cheatham Farm property that improves upon the characteristics of the existing un-retained and untreated stormwater runoff of the property and its contributing watersheds. The environmental goal is to make downstream runoff conditions better than current conditions in terms of both quantity and quality. Further, the expectations and conditions for consideration of any subsequent rezoning of the Cheatham Farm property shall include:

- (a) coordination with the County in the preparation of a comprehensive stormwater management master plan addressing the contributing sub-drainage sheds intersecting the property. The sub-drainage sheds to be studied shall be approved in advance by the County. This study shall be prepared by and at the expense of the applicant and submitted with the rezoning application;
- (b) preparation of preliminary hydraulic and hydrologic engineering designs for a system of on-site stormwater management facilities in accord with the stormwater master plan for the impacted watersheds;

- (c) integration of the SWM master plan for stormwater management facilities into a comprehensive stream valley open space, parks, and trails system within the Cheatham Farm development; and
- (d) establishment of a program of perpetual maintenance and management for on-site stormwater management facilities, the floodplain area, and the stream valley open spaces and related improvements that would be acceptable to the County.

The rezoning application shall also include a detailed floodplain study that models pre-development and post-development conditions to the rail line adjacent to Remington Road. The study must demonstrate that properties modeled will not be subject to greater flooding impacts following development of the Cheatham Farm. The goal is that development of the Cheatham Farm will subject downstream properties to lesser flooding impacts post-development. The entirety of the project shall be designed and constructed so as to have no material adverse impact on floodplain levels or on-site drainage on any property owned in fee simple by the Fauquier County Water and Sanitation Authority.

Development of the site shall also include the establishment a program of environmental goals and “green development” objectives that address the objectives of LEED certification standards as may be feasible for implementation with site improvement and building construction practices.

#### Historic/Cultural Resources

The Cheatham Farm House is a key landmark in Southern Fauquier County. The house is a principle visual cue to the entrance to Bealeton. The farm house and surrounding open space shall be preserved with any future development. The amount of surrounding open space to be retained and its landscaping should be in keeping with a Piedmont farm house setting in order to maintain the visual aesthetic of this landmark rural structure and its rural setting.

#### Phasing

Development of the Cheatham Farm should not take place in isolation from the rest of Bealeton. A project phasing plan must be approved with the rezoning that starts the development on the southerly portion of the property to tie together the new development on Cheatham Farm with the existing development in Bealeton. Residential development of this property will have a phasing plan for a period of not less than ten (10) years from the issuance of the first building permit. Development shall not commence on any land included in the 125 acre addition to the service district in the first two phases of project development or until at least year 7 of the build out. Phasing of the commercial development is detailed below.

#### Fiscal Impact

One advantage to the County of any mixed-use development is balancing the positive revenue generated by commercial development with the drain on County expenditures generally associated with residential development. The Cheatham Farm property offers the opportunity for

the County to secure a development that balances revenues and expenditures thereby generating a positive fiscal impact for the County. Any future rezoning will need to clearly demonstrate a positive fiscal impact for the County at full build-out. Even further, the phasing plan shall be required to ensure that a proportionate amount of commercial development accompanies each phase of residential development, and that at the end of each phase the project cumulatively is generally revenue neutral for the County.

#### Purchase of Development Rights/Transfer of Development Rights

The adopted Comprehensive Plan contains multiple references to the premier County goal of preserving its rural areas and channeling growth to the service districts. A key strategy to achieve this goal is to maintain a hard open space edge around the service district boundaries.

For Bealeton, the northern portion of the Cheatham Farm served as a hard edge to the service district. With the development of the entire Cheatham Farm, the County will be using other rural properties in Southern Fauquier County to maintain the edge to the service district. Therefore, development of the Cheatham Farm shall include provisions to guarantee that the total number of residential units shall not exceed 400 units unless the applicant verifies for each unit over 400 that a bona fide development right (as determined by the County) in the Cedar Run or Lee Magisterial District has been extinguished at the expense of the applicant. Alternatively, at the discretion of the County, for each residential unit over 400, the applicant shall make a contribution to the Fauquier County Purchase of Development Rights Program. The terms and timing of payments using the Purchase of Development Rights Program will be determined with the future rezoning.

#### Illustrative Plan

The Illustrative Plan (Figure BE-4/Cheatham Farm Illustrative Plan) establishes the general framework for the road network and the general location of commercial, institutional and residential areas and open space to guide preparation of a Development Master Plan upon which the future rezoning would be evaluated. The County reserves all rights with respect to its approval of any Development Master Plan as a part of any rezoning, and nothing shown on the Illustrative Plan that may be inconsistent with this text or the zoning requirements of the Mixed Use Bealeton District is intended to imply a prior agreement by the County to any release from this text or any waiver that may be requested under the Mixed Use Bealeton District as part of any rezoning application. If the Comprehensive Plan Amendment Illustrative Plan and the words of the Comprehensive Plan Amendment differ, the words of the Comprehensive Plan Amendment shall govern.

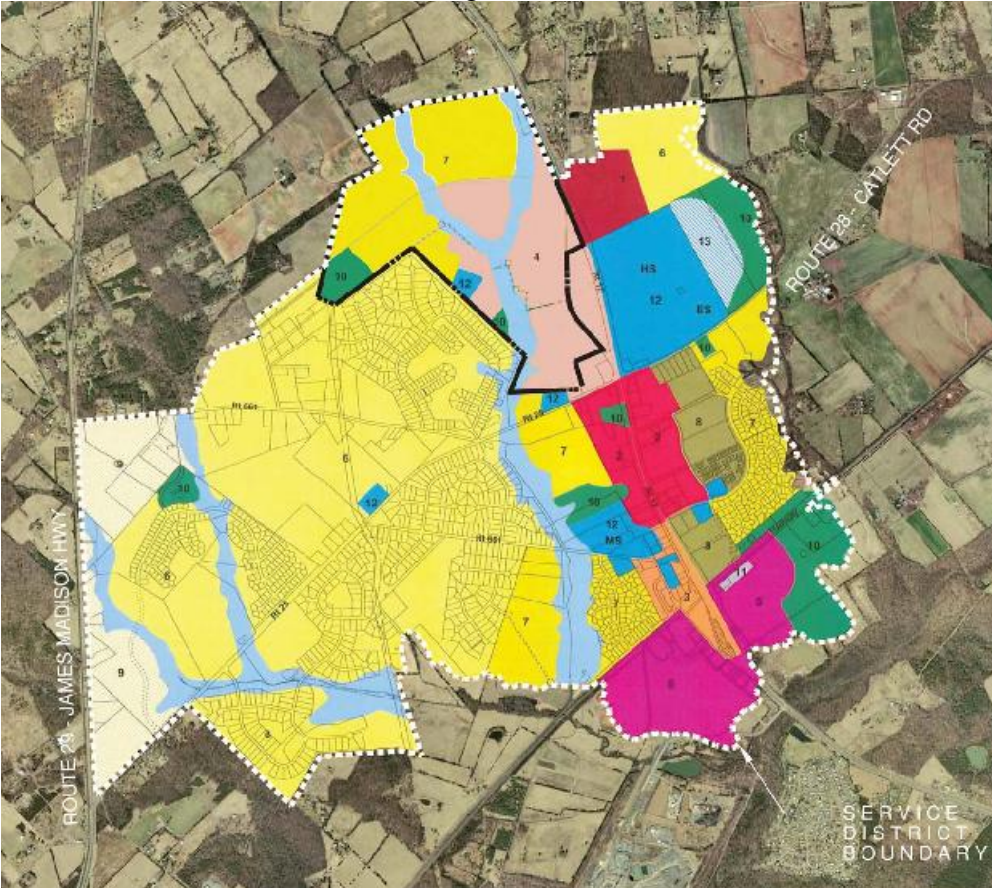
#### Draft Code of Development

Attached as Appendix 1, is a draft example of the type of Code of Development that will be expected to be submitted with any application for rezoning. The draft Code contains much substance relating to the vision of traditional town and neighborhood development of the type generally expected in a Code of Development submitted with a rezoning application, but the Code of Development is illustrative only and the County reserves all rights with respect to its

approval of any Code of Development as a part of any rezoning. Nothing shown or stated in the draft Code that may be inconsistent with this text, or the zoning requirements of the Mixed Use District is intended to imply a prior agreement by the County to any release from this text or to any waiver that may be requested under the MU zoning as part of any rezoning application. Similarly, the phasing plan in the draft Code of Development is not binding upon the County, and VDOT agreement is required on the public street specifications contained in the draft Code of Development. Moreover, the provisions of the draft Code of Development relating to governance through the use of a town architect or design review committee are only illustrative and not intended to imply approval by the County of any particular form of governance prior to the approval of any specific rezoning application. If the draft Code of Development and the words of the Comprehensive Plan Amendment differ, the words of the Comprehensive Plan Amendment shall govern.

*(This space is intentionally left blank)*

Figure BE-1/Cheatham Farm



Bealeton Service District	
LAND USE LEGEND	
1	Commercial Office / Mixed Use
2	Town Center
3	Mixed Use
4	Institutional / Office / Mixed Use
5	Flex Industrial
6	Low Density Residential: 1- 3 Units Per Acre
7	Medium Density Residential: 4 - 6 Units Per Acre
8	High Density Residential: 7 - 20 Units Per Acre
9	Residential / No Sewer or Water
10	Park / Open Space
11	Virginia Railway Express
12	SCFRR (School/Church/Fire/ Rescue/Recreation)
13	School Expansion Area
	FEMA Floodplain
	Service District Boundary



Figure BE-4/Cheatham Farm Illustrative Plan



**Appendix 1:** Cheatham Farm Draft Code of Development, is incorporated herein by reference (See staff report dated August 13, 2009).

## **COMPREHENSIVE PLAN AMENDMENT CPAM09-SC-008**

A public hearing was continued from July 9, 2009, to consider a Comprehensive Plan Amendment to the New Baltimore Service District Plan concerning the alignment of Route 215. Kimberley Fogle, Assistant Director of the Department of Community Development, summarized the proposed amendment. Paula Johnson, Marshall District; David Blake, Scott District; Todd Brooks, Warrenton; Gar Schulin, Marshall District; Helen Ford, Scott District; and Chuck Medvitz, Scott District, spoke in opposition to the amendment. Robert Dunleavy, Scott District, spoke in support of the amendment. Chris Pearmund, Scott District, asked the Board to consider Brookside Parkway. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Nyhous seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

### **ORDINANCE**

#### **A COMPREHENSIVE PLAN AMENDMENT TO THE NEW BALTIMORE SERVICE DISTRICT PLAN CONCERNING THE ALIGNMENT OF ROUTE 215**

WHEREAS, on March 25, 2009, the Fauquier County Transportation Committee recommended to the Fauquier County Board of Supervisors that Route 215 be retained on its current alignment; and

WHEREAS, on April 9, 2009, the Board of Supervisors initiated this amendment; and

WHEREAS, on May 28, 2009, the Planning Commission held a public hearing on the proposed amendment and forwarded the proposed amendment to the Board of Supervisors recommending approval; and

WHEREAS, on July 9, 2009 and August 13, 2009, the Fauquier County Board of Supervisors held public hearings on this amendment and considered oral and written testimony; and

WHEREAS, adoption of the attached amendment to the Comprehensive Plan - New Baltimore Service District Plan, supports and enhances the overall goals of the New Baltimore Service District Plan, removes uncertainty over the alignment of Route 215, respects the cultural and historical landscape, and supports good planning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of August 2009, That Comprehensive Plan Amendment to The New Baltimore Service District Plan concerning the alignment of Route 215, be, and is hereby, amended as follows:

## TRANSPORTATION

The objectives of the transportation plan are to: (a) provide growing regional U.S. 15/29 traffic efficient access through the County; (b) proactively protect the New Baltimore Community's local and limited access to this federal highway through a system of phased and planned interchanges, road connecting bridges and interconnecting service roads; and (c) effectively upgrade Brookside Parkway and Route 605 as a safer and better designed corridor between U.S. 15/29 and Route 215 for local traffic.

The New Baltimore Transportation Plan not only identifies how the County proposes future access to Route 29 (Lee Highway), but also orders community roads into an integrated hierarchy which will protect existing neighborhoods, serve the business community, and provide better long-term access. U.S. 15/29 (Lee Highway) is classified as a Rural Freeway and described in detail in Chapter 10 of the County's Comprehensive Plan.

The key community roads will continue to be Route 600 (Broad Run Church Road), Route 602 (Rogues Road), Route 605 (Dumfries Road) and Route 215 (Vint Hill Road).

The Transportation Plan has been organized into two basic elements:

- a. **Transportation Plan:** Figure 3 represents the transportation network needed to serve New Baltimore's land use plan at full build-out. It is the concept which will be subject to review and refinement based, for example, on development, community objectives, emerging safety issues, traffic volume changes, road priorities and financial constraints. This blueprint for the transportation network is subject to adjustment and refinement through time. One key secondary priority is road completion within the general corridor which connects Route 605 to Route 215 through the Brookside Community and Vint Hill. After study in 2009, a primary road priority changed. The County's intent is now to retain Route 215 and any future improvements from the Prince William County line to U.S. 15/29 within its existing alignment. Any future U.S. 15/29 interchange at this location and Route 215 improvements need to follow the required public hearing processes, technical study, environmental/historical process reviews and design and construction plan phases. Given the historical landscape in this area, there may not be enough room to accommodate a grade separated interchange. Whatever form the intersection takes, be it grade separated or at-grade, the intersection will need to be designed in a context sensitive manner, respectful of this battlefield location.
- b. **5-Year Transportation Action Plan (Year 2006-2010):** This element implements a portion of the Transportation Plan (refer to Figures 4 and 5). It organizes, for example, road improvements and actions into primary and secondary road categories, and lists recommended County actions and priorities. This plan element can be used to assist the County and VDOT in annually updating the 6-Year Primary and Secondary Road Program for finalizing priorities, assist in the review of a land development application, or conclude work on key community projects.

## OBJECTIVES

- Maintain and enhance accessibility to community services and facilities.

- Improve the level of travel safety along U.S. 15/29 and Routes 600, 602, 605 and 676.
- Minimize traffic impacts from new development on established communities.
- Discourage and limit the number of urban collector routes through the Service District with emphasis on prohibiting the extension of commuter routes through the community core, including C. Hunter Ritchie Elementary School.
- Improve the level of pedestrian and bicycle safety of New Baltimore residents when traveling within the community, particularly within school zones.
- Establish a bicycle/pedestrian/bridle path system linking residential areas with libraries, parks, schools, established commercial and village areas.
- Utilize existing right-of-ways for pedestrian/bicycle paths/corridors where practical.

## ***POLICIES***

- Land development proposed in the Planning Area must conform to the transportation road network.
- The necessary rights-of-way for any new road alignment or widening of existing roads identified in this plan are expected to be dedicated through rezoning, subdivision and site plan applications. New development will be expected to construct and/or provide financial contributions toward the phased construction of improved roads to which it needs access.
- Provide a public street network level of service which is as high as practical. There are safety, design, financial, community and quality of life issues, for example, which need to be weighed in each planning area when road capacities and levels of service (LOS) of intersections are analyzed. However, at a minimum, level of service C should be maintained.
- New roads resulting from proposed land developments must meet Virginia Department of Transportation standards for inclusion in the state highway system.
- Vint Hill and its village town center design will warrant neotraditional design elements; and roadways will consider guidelines represented in the Fauquier County Design Standards Manual and Chapter Ten -Transportation (Figures 10.2-.4).
- New developments must plan for a pedestrian/bicycle trail system in accordance with plan guidelines and VDOT standards.

- Identify methods for removing the liability and maintenance costs for public pathway systems from homeowners associations when those pathways are not limited to the homeowners use.
- Provide for bicycles and pedestrian features, including clearly marked sidewalks and paths and marked cross walks in the construction and reconstruction of roads and bridges.
- Provide sidewalk and bike path linkages between new residential communities and mixed use (neighborhood centers), schools, recreational areas, and employment centers (e.g. Vint Hill).
- Provide sidewalks on both sides of a roadway in new commercial centers, with pedestrian crossings clearly marked or with specialty paving.
- Assure the transportation plan for New Baltimore is integrated into the overall County wide transportation plan and overall priorities.

#### ***IMPLEMENTATION STRATEGIES: 5-YEAR TRANSPORTATION ACTION PLAN***

The recommended implementation strategies listed in this section are intended to lead toward the construction and establishment of the road network reflected in the long-range transportation plan. The implementation actions identified for construction improvements are organized into Secondary and Primary Road categories. The recommendations are listed below and are provided in more detail in the accompanying Table 5, while Figures 4 and 5 identify the general location of the recommended improvements.

As a result of rezoning applications, the Board of Supervisors has established the New Baltimore Transportation Trust Fund. Proffered cash contributions from rezoning cases are placed in this account to improve intersections impacted by these projects. In addition to required road construction, the Brookside communities, Bishops Run and Vint Hill contribute proffered funds designated for offsite transportation improvements which are needed due to their residential, commercial and industrial uses. These funds should and are being used as contributing County matches in VDOT Revenue Sharing Program for the referenced and programmed intersectional and roadway improvements.

Implementation Strategy: Use this element of the Comprehensive Plan to guide all transportation decisions in matters related to VDOT, and applicable rezoning, special exception, special permit, subdivision and site plans for proposed development or redevelopment within or adjacent to the service district.

#### ***Secondary Road Priorities and Recommendations***

The Brookside Parkway and Route 605, between U.S. 15/29 and Route 215, has become a key local corridor needing special attention due to existing and planned development and emerging public school locations. It needs to have appropriate design and funding attention to insure that existing and projected traffic projections can be effectively and safely handled. This objective is not currently being achieved through current Virginia Commonwealth Transportation Board priorities, funding and schedules.

### Priority 1: Route 605 Improvements

- *From Atlee Road to Grays Mill Road: Turn lanes, improvement of drainage, shoulders and pavement widths, and bridge replacement over Mill Run;*
- *Safety improvements at the following intersections with Route 605: Fincham and Linden Courts, Marigold Lane.* Due to topography, turning movements at these intersections are becoming more dangerous due to traffic volumes and speed. Attention needs to be provided for added turn lanes, shoulder improvements, consideration of other safety techniques (e.g., grade and line of sight improvements, slower speed limits posted, posted warning-no passing on the right, flashing lights); and
- *Riley Road (Route 676): Turn lanes, pavement and shoulder widths improvements, and signalization.* These enhancements are needed due to the growth of the Brookside community, Vint Hill, access to Auburn Middle School and direct linkage to the Brookside Parkway.

### Priority 2: Rogues Road (Route 602) Improvements

- *Route 602/605 Intersection: Turn lanes, pavement and shoulder width improvements, and signalization.* These are needed to handle the emerging traffic from new development, commuting traffic from the Route 215 area, and the High School.
- *New Local Street Connection to the Brookside Parkway.* Identify, design and construct a local street connection generally from the intersection of Route 602 and Finch Lane through Vint Hill and connect with Brookside Parkway. If feasible, this route provides opportunities for better traffic connections between neighborhoods and local schools.
- *Frontage Improvements: Complete turn lane, signalization and other frontage improvements for the High School.* Note that the planned right-of-way for Rogues Road is 80-feet.

### Priority 3: Broad Run Church Road (Route 600)

This roadway is placed on a 30-foot prescriptive right-of-way and needs long-term improvement since it supports traffic from U.S. 15/29 and local neighborhoods as well as C. Hunter Ritchie Elementary school. This local street needs the following special traffic calming improvements:

- Implement consistent, posted speed limits from its intersections with U.S.15/29, Riley Road and Rt. 215 (e.g., 25 or 35 miles per hour, with special attention in the C. Hunter Ritchie Elementary School);
- Develop a program for minor pavement and shoulder width improvements not requiring relocation of above ground electrical utilities;
- Design and install a roundabout at the intersection of Routes 600 and 676. This improvement needs to be timed with development along Route 676 on the north side of this intersection. Based on VDOT's recently published *Residential Traffic Calming*

*Guide and the Roundabouts: An Informational Guide* (Federal Highway Administration, Publication Number FHWA-RD-00-067), Rt. 600 qualifies within the established traffic thresholds for such a facility.

The Rt. 600/Rt. 676 intersection is a prime location for a roundabout. It is an area where incoming traffic from U.S. 15/29 and other locations needs to slow down for entry into residential neighborhoods and C. Hunter Ritchie Elementary School.

The conventional signalized design planned for this intersection with the extension of Rt. 676 is identified in Figure 6. This design generally requires additional land to accommodate the required turning lane movements. On the other hand, the recommended roundabout sketch design for this intersection, as shown in Figure 7, requires less land, no traffic signal, promotes slower travel speeds, and efficiently accommodates all traffic movements through the intersection. If the roundabout does not work efficiently in the future, due to traffic volumes or a mix of other factors, the intersection can easily be converted to a traffic signal due to existing right-of-way.

- As business and residential development occurs in the area west of the intersection of Routes 600 and 676, then full pavement and shoulder improvements, sidewalks, requisite 50-foot r-o-w dedication and conversion of above ground to underground utilities needs to occur.

Priority 4: Route 676 link from its intersection with the Route 600 Roundabout to Brookside Parkway

- Study, and, if warranted, implement a 4-way stop with Riley Road's intersection with Broken Hills Road and Lake Drive; and
- Riley Road will remain as a T-intersection with Brookside Parkway, complete with a stop sign for southbound traffic.

Priority 5: Brookside Parkway (Urban Collector: 110-foot r-o-w, future 4-lanes, including median) from Route 215 to Route 605

The necessary linkage, widening, upgrades, and relocation need to be achieved through a phased development plan with improvements financed through both public and private development sources. This roadway will initially be a 2-lane facility and will ultimately become 4-laned. Most importantly, 110-foot rights-of-way are expected to be dedicated in conjunction with site plan/subdivision/rezoning approvals through the Brookside community, and 85-110 foot right-of-way (at least 4 lanes in either case) in Vint Hill. The following represents the expected general order of link development:

- Riley Road: Brookside (portion zoned R-1) to southern Boundary Brookside (portion zoned PRD);
- Brookside to location within Vint Hill just south of Kennedy Road; and

- Vint Hill linkage to Route 215.

In addition to these priorities, the New Baltimore Service District Plan supports the Warrenton Service District Plan in the design and funding improvements identified to upgrade Frytown Road and the extend Atlee Road to Academy Hill Road.

These improvements assist in providing options for local New Baltimore Service District traffic to access Warrenton from alternative routes other than U.S. 15/29. Otherwise another corridor might be needed in the future to interconnect both Service Districts.

### ***Primary Road Recommendations***

Recommendation 1: Establish and implement Highway Overlay Districts for Route 29 and Route 215 as a priority addition to the Zoning Ordinance and Fauquier County Zoning Map.

Due to stated concerns raised by local residents and County staff, a need was established for additional zoning tools to manage land use, access, and aesthetics along Route 29 and Route 215. Overlay districts are created when 1) the major purpose of the specified highway is to carry through traffic, and 2) land development along that highway will likely have adverse access impacts on the level or quality of service, which in turn will lead to increased danger and congestion in the street or impede the maintenance or creation of a convenient, attractive and harmonious community. As a minimum, the following items should be included in the County's Zoning Ordinance:

- 1) Route 29 District Boundaries. Recommend this boundary be measured from 1,000 to 1,500 feet on either side of the Route 29 centerline. This district is proposed to extend from the boundary with Prince William County to Route 605. These boundaries would need to be established on the County's Official Zoning Map.
- 2) Route 215 District Boundaries. Recommend this boundary be measured from 1,000 to 1,500 feet east and west of the Route 215 centerline. This district is proposed to extend from the Rt. 29/Rt. 215 intersection to Vint Hill.
- 3) Standards and Uses Permitted by Right. The regulations and requirements of both the underlying zoning district(s) applicable to each affected property and the highway overlay district will apply. When the regulations applicable to the overlay district and underlying zoning district conflict, the more restrictive regulations will apply. All uses permitted as by right uses in the underlying zoning district(s) shall be permitted in the highway overlay district, unless specified otherwise.
- 4) General Performance Standards. Land uses proposed are subject to the requirements contained in the underlying zoning as well as the performance standards identified for the overlay district. *Examples of standards which should be applied along the Route 29 and 215 corridors are:*



- a) *Alternate Access.* All uses must have their street access designed so as to not impede traffic on a street intended to carry through traffic:
- By the provision of shared entrances, interparcel travelways or onsite service drives connecting adjacent properties;
  - Through access from another public road other than that along which the district was established; and
  - Through the internal streets of a commercial, office or industrial development.
- b) *Exceptions.* The ordinance needs to include a section stating that parcels of land existing at the time of the adoption of the Highway Corridor Overlay District *will not be denied access to public roads if no reasonable joint or cooperative access is possible.*
- c) *Pedestrian Circulation.* Fauquier County will continue to want to encourage the continued access of residential neighborhoods to shopping, recreation and other residential areas through sidewalks, bike paths, and other related pedestrian paths. *Therefore, the ordinance needs to include a requirement that pedestrian circulation shall be provided for and coordinated with adjacent properties, and consistent with the adopted Comprehensive Plan.*
- d) *Special Screening Requirements.* Route 29 and Route 215 are special gateway corridors into the County where aesthetics and community pride with residential neighborhoods are important and valued attributes. For Route 29, this translates into concern over proximity of building, parking and loading to this rural freeway, the need for flexible setbacks and standards encouraging service drives, reverse frontages for nonresidential lots, as well as corridor guidelines conserving existing tree stands and rural views key to “preserving agriculture in a business friendly community”.
- e) *Signage.* Along gateway corridors, such as Route 29, the Planning Commission and Board of Supervisors should consider supplemental performance standards for signage. At a minimum, the Board of Supervisors and Planning Commission may want to provide, an ordinance provision that sign modifications to existing sign square footage requirements will be considered when well designed sign packages are proposed in the rezoning or special exception process.
- f) *Building and Parking Setbacks.* Due to the established residential nature of Route 215 and the potential long-term widening of the right-of-way, the County should consider increased setbacks for any new rezonings, conditional use permits and subdivisions in these designated corridors. Existing platted, residential lots and homes would be vested, and the standards would not apply. The same consideration should be afforded to Route 29, since this represents the gateway into Fauquier County from the north into the County seat of Warrenton.

The following setbacks are recommended for these two roadways:

### Setback from the Right-of-Way

<i>Route 29:</i>	Building: 200 feet Parking: 100 feet
<i>Route 215:</i>	Building: 200 feet Parking: 100 feet

The parking and building setback areas can also be used for preserving existing and mature trees which are valued features along these entry corridors.

Recommendation 2: U.S. 15/29 Access Management: Implement the VDOT Safety Improvement Plan for Crossovers.

This study focused on the entire length of this highway from our boundary with Culpeper County to Prince William County, and it identified existing and unsafe median cuts or crossovers that will need to be closed in the future. With over 50,000 daily trips on this roadway designated as a Rural Freeway, access along this roadway will need to be restricted for safety, traffic management and to accommodate its regional transportation significance. Future business and residential development will need to plan interparcel access, collector distributor, links to connecting public streets or other feasible options.

Recommendation 3: Road Link Improvements

In the long-term, U.S. 15/29 is planned as a rural freeway through the County with limited access. The VDOT Safety Improvement Plan for Crossovers for U.S. 15/29 is one implementation step. The planning and construction of collector and service roadways is another option providing properties safe access to this major regional highway. The following represent two areas needing priority attention over the next 5-year planning period:

- 1) Reconfiguration of the Old Alexandria Pike (Route 693) and U.S. 15/29 Intersection.

In 2002, the Board of Supervisors approved an amendment to the Service District Plan for this location. The concept is to provide a properly structured intersection at Route 693 that would replace the one at Telephone Road. This action would resolve problem left and u-turn traffic conditions which impact significantly increasing traffic volumes on U.S. 15/29. A planned industrial park on the westside of U.S. 15/29 will provide the essential collector road for the affected properties at that location (Refer to Figure 3 for the alignment).

Special attention also needs to focus on the bridge upgrade/replacement need and essential improvements needed for this historic road leading to the Village of New

Baltimore which is on both the Virginia Landmarks and National Register of Historic Places.

- 2) Preliminary Steps: Redirection of Business Area Access (Between U.S. 15/29 Intersections with Routes 600 and 676). This designated area is constrained with the elimination of unsafe crossovers on U.S. 15/29 and 100-year floodplain which present long-term access and safety issues along this area planned for significant commercial growth and development as WSA sewer and water services are extended. New individual lot access to this primary road will not provide commercial entrance permits. The frontage on U.S. 15/29 between Route 600 and Route 676, needs a service or collector road network providing interparcel access to new public street(s), and, where warranted, with signalized access onto U.S. 15/29. This network is the priority alternative.

Linkage of this network through the New Baltimore Business Park also needs to be explored in more detail to determine whether it is practical. A second interconnection linking Broad Run Church Road to U.S. 15/29 is needed within the vicinity of the planned Cross Creek commercial development.

#### Recommendation 4: Traffic Signalization

Until U.S. 15/29 becomes a limited access highway, the addition of traffic signals at key intersections as warranted will continue. This practice is critical in order to safely move both regional and local traffic and allow Service District residential neighborhoods and local business access to this major regional highway. The Figure 5: 5-Year Action Plan: Primary Roads identifies existing and planned signal locations.

#### ***Primary Road Improvement Priorities***

Priority 1: Initiate preliminary design and location for interchanges in the vicinity of the Rt. 29/215 and Rt. 29/605 intersections.

The U.S. 15/29 rural freeway alignment needs to be coordinated with Prince William County to ensure that actions taken in Fauquier County are compatible with long range plans in Prince William County. The rural freeway designation is now not consistent with current U.S. 15/29 planning in Prince William County. Similar coordination between counties is necessary for any preliminary planning for the Rt. 215 corridor, and the need for a safe and efficient Rt. 215/Rt. 602 at grade intersection in Prince William County.

The construction of the U.S. 15/29 rural freeway and U.S. 15/29/Rt. 215 intersection are a priority for several key reasons: (a) it is a designated Congressional National Highway System corridor; (b) serves the redevelopment of Vint Hill and new residential development such as the Brookside community; and (c) safety issues dominate the existing at-grade Rt. 29/Rt. 215 intersection since it is so physically constrained, faces increasing volumes, all of which make this intersection more accident prone with each passing year.

With Vint Hill and the Brookside communities developing, all are beginning to add increased community traffic into this corridor, and the U.S. 15/29 and Route 215 intersection's unsafe conditions simply need to be eliminated. However, any improvements to this intersection must be designed in a context sensitive manner, given the historic character of this battlefield location.

Finally, any future Rt. 29/605 interchange location also needs to be defined better in terms of location and design beyond its present form.

Priority 2: Installation of a traffic signal at the Rt. 652 (Kennedy Road)/Rt. 215 intersection, as warranted with the development of both Vint Hill and Brookside communities.

Priority 3: Initiate the improvement plan for the Rt. 215 corridor from Vint Hill to the U.S. 15/29 intersection.

Route 215 should be retained as a two lane road on its current alignments for as long as practicable. However, the County should preserve the option of making Route 215 a four lane road, with a 110 foot right-of-way, on its current alignment. Traffic calming alternatives for the Route 215 intersections should be considered in lieu of more conventional turn lane movements and traffic signalization. As one example, the Route 600/215 intersection could be a roundabout. In the context of this recognized battlefield area, improvements to facilitate preservation and public appreciation for Buckland Races battlefield sites within Fauquier County should be planned. For example, historic markers could be sited on this road, and the northernmost section through Buckland Farms could potentially be designated of as a historic parkway.

Priority 4: Study feasibility of signalizing the Rt. 29/Rt. 676 intersection when warranted as a result of traffic volumes and other associated factors.

This intersection has been constructed with the associated median cut. New developments within the area have contributed funds to the New Baltimore Transportation Trust Fund for construction of this signal when warranted.

Priority 5: Initiate, through a public process, the preliminary transportation improvement planning along the U.S. 15/29 corridor, between the future intersections planned for Rt. 215/29 and Rt. 605/29.

There is a need for consulting services, in conjunction with VDOT, to complete an Access Management/Corridor Study along U.S. 15/29 from the Culpeper County line to the Prince William County line. If the objective is ultimately to have this corridor through Fauquier County become a rural freeway in status, then significant work needs to commence. If implemented, such a study becomes the collaborative Community, VDOT and Fauquier County building blocks essential to U.S. 15/29 becoming a designated limited access thoroughfare. Access management simply represents the systematic control of the location,

spacing, design and operation of driveways, median openings, interchanges and street connections to a key roadway.<sup>1</sup> This study will identify how to achieve limited access designation for this corridor, including proposed interchange and bridge locations, inter-parcel connection options, service roads, recommended phasing of essential improvements, option costs, and other associated topics that need consideration in such a complex project. Without such a plan along U.S. 15/29, which requires community involvement and support, the objective of limited access becomes more difficult, costly and impractical. This long-term planning effort results in the preliminary location of an interchange on U.S. 15/29 in the general vicinity of Rt. 600. This VDOT and community study would also focus on any long-term alignment adjustments of U.S. 15/29 within this study area. The Board of Supervisors currently supports the use of existing rights-of-way for future lane expansions.

The U.S. 15/29 upgrade within the existing rights-of-way or a relocation option within the study area will significantly alter access between the planned and high volume limited access roadway and adjacent existing or future residential and businesses on the southside and eastside on both sides of U.S. 15/29. A more detailed business planning study should be performed to further clarify land use and circulation elements along this corridor. This planning effort would allow for street widths, land use types/densities and other amenities to be established as guidelines for the development of this area, and to assure the essential right-of-way needed for future U.S. 15/29 construction is not constrained.

The Rappahannock Rapidan Regional Commission will serve as the regional coordinator for inter-jurisdictional transportation studies.

### ***Plan Monitoring***

Monitor on a continuing basis the land use/transportation activities in both Fauquier and Prince William Counties through the local and VDOT primary and secondary road planning process to insure that key elements of this plan are implemented and not jeopardized. During this monitoring process, include land/access actions beyond New Baltimore to make sure actions do not impact plan needs within the Service District.

### ***Long-term Issues***

The success of this transportation plan, in part, will be measured in its role of eliminating unnecessary traffic impacts on narrow two-lane residential streets and enhancement of Brookside Parkway and the Route 605 corridor, as well as access to Vint Hill, and existing and planned neighborhoods. All are dependent upon a very disciplined decision making process each year into the future. If key road links in this plan are never built, or are eliminated due to subdivision and other associated approvals, community benefits will be significantly reduced. This plan is essential to achieve future goals and objectives related to an access plan for the New Baltimore Service District.

---

<sup>1</sup> Access Management Manual (Transportation Research Board of the National Academies, ISBN 0-309-07747-8; 2003) p.3.

Table 5: Road Classifications and Design

ROAD CLASSIFICATION	PRIORITY RANKING	R-O-W		GENERAL PROJECT DESCRIPTION <sup>2</sup>
		EXISTING	PROPOSED	
<b>A. SECONDARY ROADS</b>				
✓ Route 605:	<b>1</b>	50 feet	110 feet	<ol style="list-style-type: none"> <li>1. From Atlee Road to Grays Mill Road: turn lanes; drainage, shoulders and pavement width improvements; bridge replacement over Mill Run;</li> <li>2. From Fincham and Linden Courts to Marigold Lane: safety improvements (e.g., turn lanes, pavement and shoulder width improvements, grading/line of sight improvements);</li> <li>3. Riley Road (Route 676) Intersection: turn lanes, pavement and shoulder width improvements, signalization (as warranted); and</li> <li>4. Rogues Road (Route 602): turn lanes, pavement and shoulder improvements, signalization (as warranted).</li> </ol>
✓ Rogues Road (Route 602) Improvements	<b>2</b>	50 feet	80 feet	<ol style="list-style-type: none"> <li>1. New Rogues Road (Route 602) link to Brookside Parkway: Identify, design and construct, if feasible, a new local street connection to Brookside Parkway along the southern border of Vint Hill from the general vicinity of Finch Lane.</li> <li>2. Route 602/605 Intersection: Turn lane, pavement and shoulder width improvements, and signalization installation. These are needed to handle the emerging traffic from new development, commuting traffic from the Route 215 area, and the High School.</li> <li>3. High School Frontage: Complete turn lane, signalization and other frontage improvements for the High School.</li> </ol> <p>Note that the planned right-of-way for Rogues Road is 80-feet.</p>
✓ Broad Run Church Road (Route 600):	<b>3</b>	30 feet <sup>3</sup>	60 feet	<ol style="list-style-type: none"> <li>1. Establish consistent speed limits associated with traffic calming objective (25 or 35 mph);</li> <li>2. Implement a minor pavement and shoulder improvement program without the relocation of above ground utilities;</li> <li>3. Design and construct a roundabout at the intersection with Route 676; and</li> </ol>

<sup>2</sup> Funding sources: VDOT Secondary Road Funds, VDOT Revenue Share Grant, EDA and proffered contributions from Rezoning Applications

<sup>3</sup> Prescriptive right-of-way.

			4. West of the Route 600/676 intersection. Construct full drainage, pavement, shoulder width and sidewalk improvements, along with the requisite conversion to underground utilities.
✓ Riley Road (Route 676) Traffic Calming:	<b>4</b>	50 feet      50 feet	1. Implement a 4-way stop at the intersection with Broken Hills Road and Lake Drive; 2. Riley Road remains as a T-intersection with Brookside Parkway, complete with a stop sign for southbound traffic.
✓ Brookside Parkway (Urban Collector) from Route 215 to Route 605.	<b>5</b>	0-50 feet      110 feet	1. 2-lanes: Riley Road to the southern boundary of Brookside; 2. Acquisition of remnant r-o-w to complete any future road improvements between the Auburn Middle School and the Rt. 605/676 intersection; 3. 2-lanes: Brookside to Vint Hill location, just south of Kennedy Road; and 4. Vint Hill connection to Route 215.  Note: this roadway is planned as a future 4-lane divided urban collector.
<b>B. PRIMARY ROADS</b>			
✓ Intersection Study: U.S. 15/29 and Rt. 215; and  ✓ Interchange Study: U.S. 15/29 and Rt. 605	<b>1</b>	160 ± feet	Project Description (U.S. 15/29 & Rt. 215):  1. Preliminary design and location for an improved intersection, including the VDOT location hearing, and location selection; 2. Initiation of the intersection design phase; 3. Funding sources: Federal Highway Funding and VDOT Primary Road Funds. Ensure that the historic context of the area is considered as a fundamental component of the road design.  Project Description (U.S. 15/29 & Rt. 605): Same steps as above and implemented as the second project.
✓ Rt. 215/Rt. 652 (Vint Hill Collector)	<b>2</b>	50 feet	Signal installation timed with the Brookside Parkway connection and intersection improvements, as warranted.

✓ Route 215 Corridor	<b>3</b>	50 feet      110 feet	<p>Initiate the improvement plan for the Route 215 corridor from Vint Hill to the U.S. 15/29 interchange. Keep Route 215 on its current alignment and retain its two lane design for as long as practicable. Preserve the option to make this a four lane road, with a 110 feet of right-of-way, Consider traffic calming in the design of this road and its intersections. Ensure that the historic context of the road is considered as a fundamental component of the road design.</p> <p>Fauquier County will coordinate road improvements with Prince William County.</p>
✓ Rt. 29/Rt. 676 Signalization	<b>4</b>		Signalization: when warranted as a result of traffic volumes and other associated factors.
✓ Rural Freeway U.S. 15/29 Corridor Study <sup>4</sup>	<b>5</b>		<p>Obtain consulting services, in conjunction with VDOT, to complete an Access Management/Corridor Study along U.S. 15/29 from the Culpeper County Line to the Prince William County Line. Attention will be given to the stretch of this Rural Freeway from Route 605 area to Prince William County. Such a study becomes the Community, VDOT and Fauquier County building blocks essential to U.S. 15/29 becoming a designated limited access thoroughfare.</p> <p>The proposed study will identify how to achieve limited access designation for this corridor, including proposed interchange and bridge locations, interparcel connection options, service roads, recommended phasing of essential improvements, option costs, and other associated topics that need consideration. Without such a plan along U.S. 15/29, which requires community involvement and support, the objective of limited access becomes more difficult, costly and impractical.</p> <p>The Rappahannock Rapidan Regional Commission will serve as the regional coordinator for inter-jurisdictional transportation studies.</p>

---

<sup>4</sup> This section will be updated as necessary with special studies commissioned by the Fauquier County Board of Supervisors for Route U.S. 15/29



## ***Trails And Park Plan***

Please refer to Figure 8.

An integral component of community's quality of life is represented in its outdoor recreation opportunities. The freedom to move about one's community safely, without a vehicle and for the purpose of transportation or recreation, is something that fewer and fewer communities can claim, and yet is strongly desired. Not all members of the community have access to a vehicle. The County also recognizes that members of the community wish to enjoy the health and recreational opportunities that parks and trails would provide. In response to these needs, a Parks and Trails Plan has been developed for the New Baltimore Service District. What follows is a list of goals, objectives and implementation strategies for obtaining, building and maintaining a complete network of trails, parks and open spaces for the New Baltimore Service District. In addition, the plan discusses specific trail priorities.

### ***Goals***

1. Provide a safe, convenient and aesthetically pleasing environment for all ages and abilities, through a network of trails and parks designed for movement by foot, bicycle or horseback, and multi-uses where possible.
2. Establish a complete network of trails in the district which are linked to public places, such as schools, libraries, police and fire/rescue stations, neighborhoods, shopping areas, and parks. This network should be connected to the Center District trail network.
3. Provide a wide range of recreational opportunities through the use of parks and trails.
4. Take advantage of existing natural and historic amenities such as river courses, ravines, floodplain and historically significant structures or places in the community by linking parks and trails to these cultural locations.

### ***Objectives***

1. Where feasible, co-locate parks and recreational facilities with school sites, community centers and public and private institutions.
2. Link parks with a network of trails to nearby neighborhoods, schools, commercial areas, community centers, and public/private institutions.
3. Build trails along existing and planned roadways and areas identified on Figure 8.
4. Sidewalks shall be provided on at least one side of an urban collector when constructed or when VDOT major road improvements are undertaken.
5. All public sidewalks and trails shall be consistently designed with the Americans with Disabilities Act trail guidelines, including County-constructed sidewalks and trails.
6. Reserve land located in floodplain for open space uses where practical.

7. Work with the Parks & Recreation and GIS Departments to establish an inventory of built and proffered trails in the New Baltimore Service District. This action will better-define progress toward implementing a trail network in the service district.
8. Define trail standards in the *Fauquier County Design Standards Manual*. Work with the trail class system in this plan until county-wide standards are established. In addition, all trails should comply with the Americans with Disabilities Act trail guidelines. The following trail classifications have been defined for the service district, and should be consulted and adhered to until County-wide design standards for trails are adopted:

Class 1: Trails are physically separated from motorized vehicles. They are intended for pedestrian and bicycle uses. They are paved, hard-surface paths;

Class 2: Trails are physically separated from motorized vehicles. These trails can be made of either asphalt or gravel. Trails should avoid crossing floodplain, if possible. However, if a trail does cross a floodplain, appropriate construction materials should be used, such as those recommended by the Virginia Department of Conservation and Recreation.

### ***Implementation Strategies***

1. Construct trails with new road construction resulting from new development, or along with VDOT improvements to existing roads where such trails are identified in this plan.
2. Establish trails through voluntary easements or right-of-way acquisition.
3. Acquire parkland, open space and trail/sidewalk dedications in conjunction with rezoning, special exception and other land development applications. Preferred locations for parks, associated facilities and the trail network are shown in Figure 8: Parks and Trails Plan. (This plan is schematic and general in nature; actual locations for bicycle path/trails will be based on construction plans for state secondary and primary road improvements or new construction, and land development.)
4. Develop pedestrian-friendly communities by linking pathways and trails in private development to trails located alongside VDOT-maintained roadways.
5. Work with the County's Parks & Recreation Department and homeowner's associations to define who will maintain the trails.
6. Require public access to all trails and sidewalks which are not maintained through either VDOT or the County.

### ***Trail Priorities***

While it is the goal of this plan to have all trails and parks that are defined in the Parks & Trail Plan (Figure 8) implemented in the service district, the County recognizes that the community would like to see certain links of the trail and open space network implemented sooner than other links. It is recommended that the priorities rank consistently with the transportation priorities

defined in Table 5 of the transportation section of this plan, to ensure that trails are built at the same time as when new roads and road improvements are made. There is no timetable associated with this trail plan, but will be timed with VDOT road improvements.

New development in the New Baltimore Service District will also be required to address parks, trails and recreation planning in the County-wide *Fauquier County Connections Plan* as adopted by the Board of Supervisors. Additional bike path and trail systems may be shown in other documents to which developers may refer. The other primary references are Chapter 9-Public Facilities and Utilities and Chapter 10-Transportation of the Comprehensive Plan.

**TABLE 6: Trail Classifications**

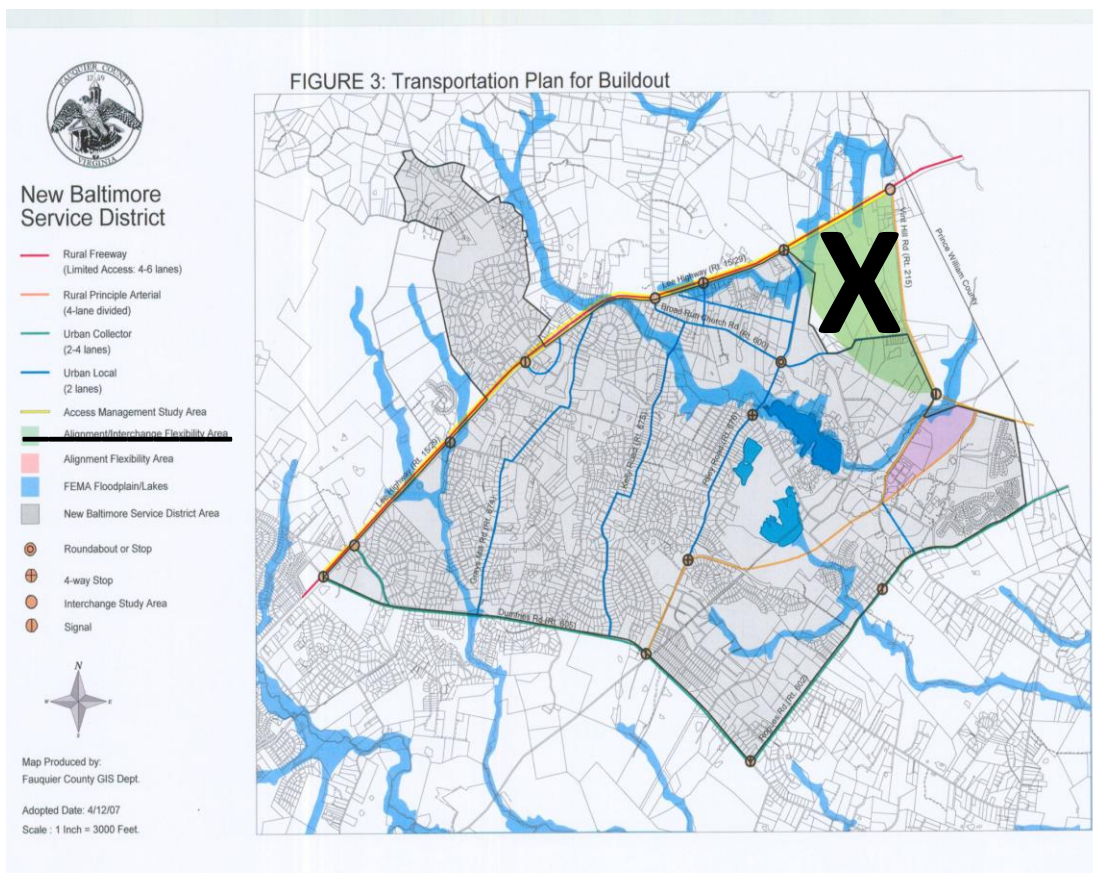
Trail Location	Priority Rank	Comments
Brookside Trail Neighborhood Network	1	All trails in this plan will be built by the developer.
Parkway Trail	2	This Brookside/Vint Hill parkway is included in the 5 Year Action Plan for transportation. The trail needs to be planned along the entire length of the parkway, no matter the road alignment through Vint Hill on Kennedy Road or another alignment. The trail needs to be timed with the construction of this new road.
Route 602: Design and construction of new local street and trail connection to Brookside Parkway	3	Build this trail connection along the proposed connector road linking the high school site to the Brookside Parkway.
Dumfries Road (Route 605)	4	From Route 15/29 to Route 602: Work with VDOT to construct a walking path within the right-of-way. Where the pathway crosses the road, crosswalks should be provided.
Broad Run Church Road (Route 600)	5	Work with VDOT to build a walking path within the right-of-way from Route 15/29 to Shepherdstown Road. Ensure that a connection is made to C.T. Ritchie Elementary School.

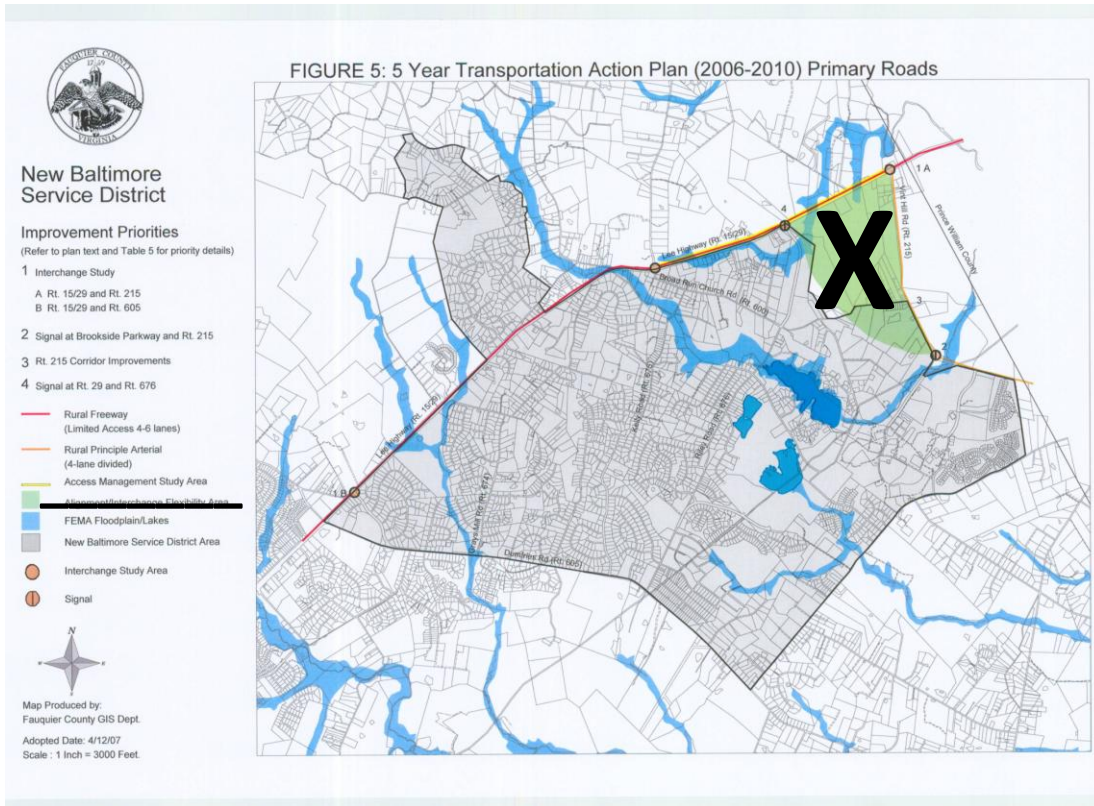
Riley Road (Route 676)	6	Work with VDOT to build a trail within the right-of-way from Route 15/29 to Route 605.
------------------------	---	--

## Park Facilities

Existing park facilities are located at P.B. Smith Elementary School, C. Hunter Ritchie Elementary School, and Vint Hill Farms. The specific amenities found at these locations are outlined in the *Fauquier County Parks, Recreation and Open Space Comprehensive Plan*. Additional parks and open spaces are encouraged to be planned within new neighborhoods and near schools.

Within the Vint Hill Preferred Reuse Plan, there is a 20± acre regional park proposed which will contain athletic fields and facilities, as well as a 17± acre densely wooded park. In addition to the park/recreational amenities to be developed within the Brookside community, this plan proposes three (3) park areas in the Service District. As shown on Figure 8: Parks and Trails Plan, these parks are to be established in the vicinities of Snow Hill, the Brookside community and along South Run north of Lake Brittle.





With no further business, the meeting was adjourned at 9:16 P.M.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 13, 2009.*

---

*Paul S. McCulla*  
Clerk to the Board of Supervisors